

SECTION 2.17. D-P PLANNED UNIT DEVELOPMENT DISTRICT REGULATIONS

STATEMENT OF PURPOSE

The Planned Unit Development District (D-P) is established for the following purposes:

- a. To encourage a more creative approach in land and building site planning.
- b. To encourage and efficient, aesthetic and desirable use of open space.
- c. To encourage variety in physical development pattern.
- d. To achieve flexibility and incentives for residential development which will produce a wider range of choice in satisfying the changing needs of the County.
- e. To encourage renewal of older areas in the metropolitan region where new development and restoration are needed to revitalize the area.
- f. To permit special consideration of property with outstanding features, including, but not limited to, historical significance, unusual topography, landscape amenities, and size and shape.
- g. To provide for a comprehensive review and processing of development proposals for developers and the Metropolitan Development Commission by providing for concurrent review of land use, subdivision, public improvements and siting considerations.

Development plans should incorporate and promote environmental and aesthetic considerations, working within the constraints and advantages presented by existing site conditions, including vegetation, topography, drainage and wildlife.

Densities and development of a D-P are regulated and reviewed by the Metropolitan Development Commission. Creative site planning, variety in physical development, and imaginative uses of open space are objectives to be achieved in a D-P District. The D-P District is envisioned as a predominantly residential district, but it may include supportive commercial and/or industrial development.

A. PERMITTED D-P USES

The following uses shall be permitted in the D-P DISTRICT. Only one primary use shall be permitted per lot. All uses in the D-P DISTRICT shall conform to the Dwelling District Regulations of Section 2.00.

1. PRIMARY USE: PLANNED UNIT RESIDENTIAL DEVELOPMENT, pursuant to the D-P Terms and Conditions (Section 2.17, B).
2. GROUP HOME, as defined in Section 2.25.
3. TEMPORARY USES, as regulated in Section 2.18.
4. ACCESSORY USES, as regulated in Section 2.19.
5. HOME OCCUPATIONS, as regulated in Section 2.20.
6. NONRESIDENTIAL USES, designed to provide an integrated amenity to the Planned Unit Residential Development and to serve primarily as a convenience to the immediate neighborhood where office functions, compatible office-type businesses, certain public and semipublic uses and a limited range of retail sales and personal, professional and business services provided are tempered by the merits of the residential elements of the development, and which are an integral part of a residential development logically oriented to and coordinated with the total Planned Unit Residential Development, as regulated in Section 2.17, B.
7. RELIGIOUS USES, as regulated in Section 2.24.

B. D-P TERMS AND CONDITIONS

1. FILING PROCEDURE
 - a. The authorization of a Planned Unit development shall be subject to the procedures expressed herein.
 - b. A petition for a Planned Unit Development may be initiated by the owners of property of 50 percent or more of the area involved in the petition, or may be initiated by the Metropolitan Development Commission.
 - c. The petition, which shall include a preliminary plan for any area proposed for development as a Planned Unit Development shall be filed with the Division of Development Services of the Department of Metropolitan Development. The preliminary plan shall include:
 - (1) Proposed layout of streets, open space, and other basic elements of the plan.
 - (2) Identification of location and types of uses within the area, including proposed densities of said uses.

- (3) Proposals for handling traffic, parking, sewage disposal, drainage, tree preservation and removal and other pertinent development features.
 - (4) The plan shall show the boundary lines of adjacent land and the existing zoning of the area proposed to be developed as well as the land adjacent thereto. Any land within the area to be zoned that is now owned by the petitioners shall be so identified.
 - (5) A general statement of any covenants or commitments to be made a part of the Planned Unit Development as well as the order and estimated time of development.
 - (6) A statement of the order of development of the major elements of the project, including whether the development will be in phases, and, if so, the order and content of each phase.
 - (7) Proposed perimeter treatment including details of building locations, parking, and landscaping. The proposed perimeter treatment shall include all areas within the project within 100 feet of the boundary of the project unless a larger area is requested by the Administrator.
- d. The preliminary plan shall be presented in triplicate and to a scale not to exceed 1" = 100'. The preliminary plan may be a freehand drawing and may include any graphics which will explain the features of the development.
- e. Within twenty-five (25) days after filing, the Administrator, or designated representative, shall consult with the petitioner regarding the petition. After such consultation, the petitioner may make modifications to the petition.
- f. After consultation with the Administrator and after making any modifications to the proposed preliminary plans, the Petitioner shall file in triplicate a "Final Proposed Preliminary Plan" which shall:
- (1) Include all documents included in the preliminary plan.

- (2) Include an index identifying all documents included in the preliminary plan.
 - (3) Include a cover sheet indicating that it is the Final Proposed Preliminary Plan and indicating the date and case number.
 - (4) Be bound or stapled together and all documents therein reduced to a size no larger than 8 1/2 by 14 inches.
3. PRELIM-
INARY
PLAN
HEARING
- a. The petition, if and so modified, shall then be heard by the Metropolitan Development Commission as a petition for zoning ordinance amendment and subject to the procedures applicable thereto. The Commission may approve, amend, or disapprove the plan and may impose any reasonable condition upon its approval. If approved, the preliminary plan shall be stamped "Approved Preliminary Planned Unit Development" and be signed by the President or Vice-President of the Commission and one copy shall be permanently retained in the offices of the Division of Development Services.
 - b. The approved Preliminary Planned Unit Development shall then be certified to the City-County Council for adoption as a D-P District pursuant to the laws governing adoption of zoning ordinances. Upon adoption by the City-County Council, the planned development shall be returned to the Department of Metropolitan Development, Division of Development Services, which shall thereafter exercise continuing jurisdiction. In the exercise of continuing jurisdiction, the Commission may from time to time approve modifications of the approved Preliminary Planned Unit Development in a manner consistent with the approved development concept.
4. DETAILED a.
PLAN
APPROVAL
- a. Before any development takes place, the Administrator shall approve a detailed plan specifying the location, composition, and general engineering features of all lots, drainage, sewage, water supply facilities, recreational facilities, site perimeter treatment and other pertinent site development features including general locations and architectural features of proposed buildings. Such approval shall be conditioned upon a finding by the Administrator that the detailed plan is consistent

with the Approved Preliminary Planned Unit Development.

- b. The approved detailed plan shall be stamped "Approved Detailed Planned Unit Development" and be signed by the Administrator and one copy shall be permanently retained in the offices of the Division of Development Services.
- c. Approval of the first phase of the detailed plan shall be obtained within two (2) years and approval of the balance of the detailed plan shall be obtained within five (5) years after adoption of the D-P District by the City-County Council.
- d. If all or a part of the Planned Unit Development requires platting, only a preliminary plat shall be required within the said two (2) year period and final platting may be undertaken in sections or phases at a later time. In cases of platting, plat approval shall be conditioned, in part, upon a finding that the plat is consistent with the approved Preliminary Planned Unit Development.
- e. In the exercise of continuing jurisdiction, the Administrator may from time to time approve modifications of the approved Detailed Planned Unit Development in a manner consistent with the Approved Preliminary Planned Unit Development.
- f. A refusal by the Administrator to approve a detailed plan shall not be construed as a denial, and any such refusal shall not operate as a limitation on the right of the petitioner to seek approval at a later date nor shall it impair the right of the petitioner to obtain an extension of time for approval. Petitioner may, however, appeal to the Commission from the Administrator's refusal to approve a detailed plan.
- g. In the event that the approval of a detailed plan is not timely obtained, the Commission may initiate an amendment of the zoning ordinance relating to said land.
- h. The Approved Preliminary Plan may provide for development of the property involved in phases. If such phasing is permitted, the petitioner may submit partial detailed plans which correspond to the phases

involved. Such partial detailed plans, when approved, shall be treated in the same manner as approved detailed plans for an entire Planned Unit Development.

- i. Approval shall expire after a period of five (5) years from the approval of a detailed plan unless the development is fifty percent (50%) completed in terms of public improvements, including streets, parks, walkways, utility installations and sanitary sewers.

5. PLATTING AND VACATION Where a platting, replatting or vacation of streets within all or a portion of the land involved is contemplated, the Plat Committee of the Metropolitan Development Commission shall handle such matters in accordance with its regular procedures, but it is not required to adhere to the qualitative and quantitative requirements of the Subdivision Control Ordinance of Marion County, Indiana (Ordinance 58-AO-13, as amended), where such requirements are not in keeping with an approved Planned Unit Development and are not necessary to safeguard the public health, safety, morals, or welfare.
6. COVENANTS AND MAINTENANCE a. Covenants, when required by the Commission, shall be set forth in detail and shall provide for an automatic termination date, or, in the alternative, a provision for the release of such restriction by execution of a document so stating and suitable for recording, signed by the Administrator upon authorization by the Commission and all of the owners of property in the area involved in the petition for whose benefit the covenant was created. Such covenants shall provide that their benefits run to the Commission as well as other parties designated by the Commission, and shall be specifically enforceable by the Commission.

b. The Commission may require the recording of covenants for any reasonable public or semi-public purpose, including, but not limited to, the allocation of land by the petitioner for public thoroughfares, parks, schools, recreational facilities, and other public and semi-public purposes. Such covenants shall provide that if a governmental unit or agency thereof does not proceed with acquisition of the allocated land within a specified period of time, the covenants shall automatically terminate. If such termination occurs, the petitioners shall then submit for approval by the Commission a modified detailed plan

for such land, otherwise consistent with the approved Preliminary Planned Unit Development.

- c. The Commission may require the recording of covenants for any other reasonable purpose, including, but not limited to, imposing standards for development of property in a Planned Unit Development. Such development standards may include, but are not limited to, requirements as to the following:
- (1) Lot area.
 - (2) Floor area.
 - (3) Ratios of floor space to land area.
 - (4) Area in which structures may be built. ("Buildable area").
 - (5) Open space.
 - (6) Setback lines and minimum yards.
 - (7) Building separations.
 - (8) Height of structures.
 - (9) Signs.
 - (10) Off-street parking and loading space.
 - (11) Design standards.
 - (12) Phasing of development.
 - (13) Bikeways and walkways.
 - (14) Landscaping.
- d. The petitioner may be required to provide financial assurance for the satisfactory installation of all public facilities in the form of bonds or such other assurances as are required in the normal procedures of platting pursuant to the provisions of the Subdivision Control Ordinance of Marion County, Indiana (Ordinance 58-AO-13, as amended).
- e. Adequate provision shall be made for a private organization with direct responsibility to, and control by, the property owners involved to provide for the operation and maintenance of all common facilities, including private streets jointly shared by such property owners if such facilities are a part of the Planned Unit Development, and, in such instance, legal assurances shall be provided which show that the private organization is self-perpetuating and adequately funded to accomplish its purposes.
- f. Common facilities which are not dedicated to the public shall be maintained to standards assuring continuous and adequate maintenance at a reasonable

and non-discriminatory rate of charge to the beneficiaries thereof. Common facilities not dedicated to the public shall be operated and maintained at no expense to any governmental unit.

- g. All private streets shall be maintained by the aforesaid private organization in such a manner that adequate access is provided at all times to vehicular traffic so that fire, police, health, sanitation, and public utility vehicles can serve the properties contiguous or adjacent thereto, and so that said vehicles will have adequate turning area.

- 7. RECORD-ING All approved Detailed Planned Unit Developments and modifications thereof shall be recorded in the office of the Marion County Recorder within two (2) years after approval.
- 8. PERMIT No Improvement Location Permit shall be issued for a D-P District unless all recording required by Section 2.17, B, 5 has been effected. No Improvement Location Permit shall be issued for a D-P District which fails to adhere to the approved Detailed Planned Unit Development.
- 9. CONSTRUCTION a. No construction or installation work shall be done on any public improvements until satisfactory plans and specifications therefor (as required by Section 2.06 of the Subdivision Control Ordinance of Marion County, Indiana - Ordinance 58-AO-13, as amended) have been submitted to the Administrator and the petitioner has, at least twenty-four (24) hours in advance, notified the Administrator of his intention to begin such work, in order that inspections may be made as the work progresses.

b. All development shall be in conformity with the approved Detailed Planned Unit Development and any material deviations from the approved Detailed Planned Unit Development shall be subject to appropriate enforcement action.
- 10. EXTENSIONS, ABANDONMENT, EXPIRATION a. Extensions of the time for accomplishing any matters set forth herein may be granted by the Administrator for good cause shown. In the event the Administrator disallows a requested extension, the Petitioner may appeal said determination to the Commission.

- b. Upon the abandonment of a development authorized under this section (abandonment shall be deemed to have occurred when no improvements have been made pursuant to the approved Detailed Planned Unit Development for twenty-four (24) consecutive months), or upon the expiration of five (5) years from the expiration of a Detailed Planned Unit Development for a development which has not been completed (or the expiration of an extension granted by the Commission pursuant to Section 2.17, B, 10, a), the Commission may initiate an amendment to the zoning ordinance so that the land will be zoned into a category or categories which most nearly approximate its then existing use or such other zoning category or categories which it deems appropriate.

11. RULES OF PROCEDURE All proceedings brought under this section shall be subject to the Rules of Procedure of the Metropolitan Development Commission, where not inconsistent with the procedure otherwise stated herein.
12. LIMITATION ON REZONING The Commission shall not initiate any amendments to the zoning ordinance concerning the property involved in a Planned Unit Development before completion of the development as long as development is in conformity with the approved Detailed Planned Unit Development and is proceeding in accordance with the time requirements imposed herein.

SECTION 2.18. TEMPORARY USES

A. PERMITTED TEMPORARY USES

The following Temporary Uses shall be permitted in all Dwelling Districts, under a Temporary Improvement Location Permit issued by the Administrator subject to the Temporary Use Requirements of Section 2.18, B.

TEMPORARY OFFICE, MODEL HOME, OR EQUIPMENT STORAGE, incidental and necessary for the sale, rental, lease, or construction of real property or premises in the zoning district and located on the same lot or project.

B. TEMPORARY USE REQUIREMENTS

Temporary Uses shall be subject to the following requirements in addition to all other regulations of the applicable Dwelling District.

1. For temporary offices or model homes, adequate access and parking area shall be provided, which shall not interfere with traffic movement on adjacent streets.
2. No public address systems or other noise producing devices shall be permitted.
3. Any floodlights or other lighting shall be directed upon the premises and shall not be detrimental to adjacent properties.
4. The lot shall be put in clean condition devoid of temporary use remnants upon termination of the temporary period.
5. No temporary Improvement Location Permit shall be issued for a Temporary Use until a site, development and landscape plan has been approved by the Administrator.
6. A Temporary Improvement Location Permit for a Temporary Use shall be valid for a maximum of 18 months. An extension of time, not to exceed 180 days, may be granted by the Administrator for good cause shown. Said request for extension must be filed with the Administrator prior to the termination date of the Temporary Improvement Location Permit.
7. No later than 30 days after the termination date of the Temporary Improvement Location Permit, the site must be returned to as nearly as reasonably possible to its condition prior to the issuance of the Temporary Improvement Location Permit, or a permanent Improvement Location Permit shall be obtained for any improvements which are to remain.

SECTION 2.19. ACCESSORY USES

A. PERMITTED ACCESSORY USES

The following Accessory Uses shall be permitted in all Dwelling Districts, except the D-11 Dwelling District, subject to the Accessory Use Requirements of Section 2.19, B and the Dwelling District Regulations of Section 2.00:

1. GARAGES; CARPORTS; PORCHES; DECKS; AWNINGS; CANOPIES; MINI-BARNs; STORAGE SHEDS; PATIOS; OUTDOOR FIREPLACES; PORTE-COCHERES; BATHHOUSES; CABANAS; CHILDREN'S PLAYHOUSES; SWINGS AND OTHER PLAY STRUCTURE OR EQUIPMENT; GREENHOUSES and other accessory buildings or structures similar and comparable in character to these permitted uses. (See additional requirements of this section.)
2. OFF-STREET PARKING AREAS, as regulated in Section 2.21, E.
3. SIGNS, as regulated by The Sign Regulations of Marion County, Indiana, 71-AO-4, as amended.
4. PRIVATE SWIMMING POOLS, HOT TUBS and similar structures (See additional requirements of this section).
5. AMATEUR RADIO SENDING AND RECEIVING ANTENNAS, provided the height thereof (including masts) shall not exceed seventy-five (75) feet measured from finished lot grade at the base of the antennas and further provided that such antennas shall not be located in the front yard as established by the building line of the existing primary building.
6. MANAGEMENT OFFICE in multifamily districts and other facilities normally associated with tenants' convenience, such as clubhouses, recreational facilities, laundry facilities, maintenance facilities, provided, however, there is no exterior storage or display.
7. UNDERGROUND STOREROOMS either attached to other permitted structures or constructed separately. (See additional requirements of this section.)
8. RESIDENTIAL OCCUPANCY BY DOMESTIC EMPLOYEES EMPLOYED ON THE PREMISES, provided that the occupancy occurs within the primary building and that no alteration is made to the unit to create a room or rooms not accessible from the interior.
9. FOSTER FAMILY CARE where care is provided for children unrelated to the residents by blood or adoption; provided that no sign shall be displayed, and that care is provided for no more than five such children.

10. DAY CARE of children unrelated to the residents by blood or adoption where care is provided for no more than ten children on a full-time basis and no more than five additional children on a part-time basis; provided however, where care is provided for more than five children, the day care provider shall be licensed in accordance with the requirements of the State of Indiana. Provided further, no sign shall be displayed. For the purposes of this ordinance, the day care of children, as described above, shall not be considered a Home Occupation.
11. STORAGE OR PARKING OF RECREATIONAL VEHICLES. (See additional requirements of this section.)
12. GAME COURTS, including tennis courts and basketball courts. (See additional requirements of this section.)
13. COMMON RECREATION FACILITIES, provided such facilities are dedicated to the public and accepted, owned by a home-owners association, owned by the project owners, or are in similar type of control; and, provided that the facilities are either open to the public (if dedicated to the public and accepted) or to all the residents in the association or the project.
14. SATELLITE DISH ANTENNAS. (See additional requirements of this section).

B. ACCESSORY USE REQUIREMENTS

Accessory Uses in all Dwelling Districts shall comply with the following requirements:

1. GENERAL Accessory Uses:
ACCESSORY
USE REQUIREMENTS
 - a. Shall be customarily incidental, accessory and subordinate to, and commonly associated with, the operation of the primary use of the lot.
 - b. Shall be operated and maintained under the same ownership and on the same building lot as the primary use.
 - c. Shall be subordinate in area, bulk, extent, and purpose to the primary use of the building served. The height of an accessory building or structure shall be less than or equal to that of the primary structure. The total square footage of all accessory buildings on a building lot shall not exceed seventy-five (75) percent of the main floor area of

the primary building, except that a detached garage, which is the only accessory building on the lot, may equal the maximum dimensions of twenty- four (24) by thirty (30) feet provided that the total square footage of the garage is less than or equal to the main floor area of the primary building.

d. Unless otherwise specified in this ordinance, detached accessory buildings:

(1) Shall not be located closer to any front or side lot line than the required minimum front and side yard setbacks of the Dwelling District, or, in the case of a front yard, the established front yard setback on the lot, whichever is greater;

(2) In D-A, D-S, D-1, D-2, D-3, D-4, D-5, D-5II and D-8 Dwelling Districts shall not be located closer to any rear lot line than five (5) feet;

(3) Shall comply with the minimum side yard requirements of the district independently of the side yards established by the primary building.

(4) Shall not be permitted on a lot prior to the erection of the primary building.

f. Shall not encroach upon, as the primary building shall not encroach upon, any platted easement.

g. Patios, decks, terraces having a horizontal area within eighteen (18) inches of grade level shall not require an Improvement Location Permit.

2. APPURTEN- a. Such appurtenant features as walks, drainage
ANCES installations, mailboxes, lamp posts, bird baths, air conditioning units and structures of similar and comparable nature, shall be permitted on any lot.

Provided, however, the front yard of any lot may contain only enough paving, gravel or similar material sufficient for reasonable access to and from the off-street parking area. The remaining front yard shall be landscaped in grass, shrubbery, trees or hedge, or in combination with other similar and suitable vegetative ground cover materials.

- b. The growing of vegetables, grasses, fruits, flowers, shrubs, vines, and trees shall be permitted on any lot, provided such operations are not for profit. In the D-A Dwelling District, the growing of such items may be for profit.
- c. Structural barriers (including, by way of example, a chain link or solid fence, architectural screen, lattice-work or masonry wall), dense landscape plantings (including, by way of example, a continuous hedge of deciduous or evergreen shrubs), shrubs and trees shall be permitted in minimum required front, side and rear yards provided that:

- (1) The height of any structural barrier shall not exceed six (6) feet.

Provided, however:

Any structural barrier in the required front yard shall not exceed forty-two (42) inches in height.

- (2) All landscape plantings, structural barriers, shrubs, or trees shall permit completely unobstructed vision within a clear-sight triangular area between the heights of two and one half (2 1/2) and nine (9) feet above the crown of the streets. A clear site triangular area shall be established as one of the following:

- i. On a corner lot, the clear sight triangular area is formed by the street right-of-way lines and the line connecting points twenty-five (25) feet from the intersection of such street right-of-way lines, or in the case of a round or cut property corner, from the intersection of the street right-of-way lines extended, or
- ii. On a lot adjacent to an at-grade railroad crossing, the clear sight triangular area is formed by the side lot line coterminous with the railroad right-of-way, the street right-of-way line and the line connecting points twenty-five (25) feet from the intersection of such lines, or

iii. On a lot which has a driveway, abuts an alley or which is next to a lot which has a driveway, the two clear sight triangular areas are formed by the street right-of-way line, both sides of either the alley right-of-way or of the surface edge of the driveway, and the line connecting points ten (10) feet from the intersection of the street right-of-way line and driveway or alley lines extended.

3. ADDITIONAL REQUIREMENTS FOR SWIMMING POOLS, HOT TUBS AND SIMILAR STRUCTURES The following additional requirements shall apply to swimming pools or hot tubs:

- a. A swimming pool or hot tub shall not be located in or on any front yard or closer to any side lot line than the required minimum side yard setbacks of the Dwelling District or located closer to any rear lot line than five (5) feet.
- b. The pool or tub area shall be enclosed by a structural barrier, which shall be adequate to prevent persons, children or animals from danger or harm, and shall be equipped with a self-closing, self-latching gate. Such structural barrier shall be a chain-link, ornamental, or solid fence or wall, and:
 - (1) if erected on grade, the fence shall be not less than five (5) feet in height; or,
 - (2) if erected on the deck of an above ground pool or hot tub, the fence on the deck shall be not less than four (4) feet in height.
- c. Screening and landscaping shall be provided and maintained between the pool or hot tub and all lot lines from which the pool or tub area is visible according to the following requirements:
 - (1) screening shall include any combination of an earthen mound, solid hedge, wall or fence of ornamental block, stone, brick, or solid wood.
 - (2) effective screening height shall be at least five (5) feet, as measured from grade level, and

so constructed or planted to prohibit any view therethrough; and,

(3) if fencing is used for screening, such fencing shall be completely opaque when viewed within fifteen (15) degrees of perpendicular to the fence; and,

(4) if an earthen mound is used for screening, such earthen mound shall not exceed a maximum height of three (3) feet above grade and the incline shall not exceed a 3:1 ratio, with the exception of previously existing natural outcroppings.

d. Abandoned or unused swimming pools or hot tubs, situated on premises which are not occupied for periods of thirty (30) days or more, shall be drained or equipped with a cover adequate to prevent persons, children or animals from danger or harm.

e. No pool or hot tub shall be erected or constructed unless adequate distance from overhead electrical wires is provided in accordance with the National Safety Code, and the National Electrical Code, current editions, and until an Improvement Location Permit has been obtained.

f. All pools or hot tubs which are less than eighteen inches above grade level shall not be considered as part of the building area, as defined in Section 2.25.

4. ADDI-
TIONAL
REQUIRE-
MENTS
FOR
UNDER-
GROUND
STOREROOMS

The following additional requirements shall apply to all underground storerooms:

a. An underground storeroom shall not be located in or on any front yard or closer to any side or rear lot line than the required minimum side and rear yard setbacks of the Dwelling District.

b. No underground storeroom shall be erected or constructed until an Improvement Location Permit has been obtained.

5. ADDITIONAL REQUIREMENTS FOR RECREATIONAL VEHICLES The following additional requirements shall apply to the parking or storage of recreational vehicles:
- a. Recreational vehicles may be parked or stored inside permitted buildings or outside in such a manner that no part of any such vehicle shall project into any required side or rear yard as established by the ordinance. Provided further, no part of any such vehicle shall be parked or stored outside in the front yard of the lot other than on the hardsurfaced area of the driveway or interior access drive.
 - b. Not more than two (2) recreational vehicles shall be permitted to be parked or stored in the open on the same building lot at any one time.
 - c. Parked or stored recreational vehicles shall not be occupied or used for living, sleeping or housekeeping purposes in any Dwelling District.
6. ADDITIONAL REQUIREMENTS FOR GAME COURTS The following additional requirements shall apply to game courts:
- a. Game courts shall not be located closer to any front, side or rear lot line than the required minimum front, side and rear yard setbacks of the Dwelling District, nor shall any part of a game court project beyond the front building line as established by the existing primary building. Basketball goals, however, may be located along a driveway.
 - b. Game courts shall not be considered as building area, as defined in Section 2.25.
 - c. No game court lighting shall produce glare creating a hazard or nuisance perceptible from any point beyond the lot line. Provided, however, no game court in a D-A, D-S, D-1, D-2, D-3, D-4, D-5 or D-5II Dwelling District shall be lighted.
7. ADDITIONAL REQUIREMENTS FOR PORCHES, PATIOS, DECKS AND CANOPIES The following additional requirements shall apply to porches, patios, decks and canopies:
- a. Porches, patios and decks, with the exception of attached open railings, shall not be constructed or erected higher than eighteen (18) inches above grade level at any point without having first obtained an Improvement Location Permit.

- b. Porches and patios shall be located no closer than four (4) feet from any property line.
- c. No permanent roof, canopy or similar permanent structure shall be built or established to extend over any porch, patio or deck, other than an eave or cornice overhang from the primary structure, unless the roof or canopy complies with the setback requirements of the Dwelling District.
- d. Porches, patios and decks eighteen (18) inches in height, or over, above grade level shall comply with all front and side yard setback requirements of the district and with the rear yard setback requirements for accessory buildings; except, however, open stairs and railings, attached to these structures may encroach into required yards.

8. ADDI-
TIONAL
REQUIRE-
MENTS
FOR
SATELLITE
DISH
ANTENNAS
- The following additional requirements shall apply to satellite dish antennas:
- a. In any Dwelling District, satellite dish antennas up to 12 feet in diameter shall be permitted to be installed subject to the following criteria:
 - (1) All installations shall be neutral in color.
 - (2) All installations shall be performed by an "antenna installer" licensed by the Indiana State Board of Television and Radio Service Examiners.
 - b. In any Dwelling District, ground-mounted satellite dish antennas shall be permitted to be installed subject to the following criteria:
 - (1) All installations shall comply with all front, side and rear yard setback requirements specified within the district; except, however, no installation shall be located in such a manner that any part of any such antenna shall project into the front yard as established by the building line of the existing primary building.
 - (2) The maximum height for a ground-mounted satellite dish antenna shall not exceed the

maximum height of an accessory structure permitted by that district.

- c. In any Dwelling District, roof-mounted satellite dish antennas may be permitted, subject to the following criteria:
- (1) Demonstration by the applicant that compliance with Section 2.19, B, 8, b(1) and (2) of this ordinance would result in the obstruction of the antenna's reception window; furthermore, such obstruction involves factors beyond the control of the applicant.
 - (2) The height of the proposed installation does not exceed the maximum height restriction imposed upon primary uses within the district.
 - (3) All applications for Improvement Location Permits shall include certification by a registered engineer that the proposed installation complies with those standards listed in Section 623.0 and 624.0 of the BOCA Basic Building Code. Furthermore, written documentation of such compliance, including load distribution within the building's support structure, shall be furnished.
 - (4) All roof-mounted installations shall be contained within the area of the roof.

C. NONPERMITTED ACCESSORY USE ACTIVITIES

No accessory use which is not specifically permitted under Section 2.19, A shall be permitted as an accessory use in any Dwelling District. In addition, the following activities are strictly prohibited in all Dwelling Districts:

1. Dismantling, Repairing or Restoring of Motor Vehicles in Dwelling Districts:

No person shall dismantle, repair, restore or otherwise perform any work on any motor vehicle, machine, motor, or similar device not owned or leased by that person or a member of that person's family, on any property in a Dwelling District. In addition, any work performed shall be:

- a. incidental to a permitted use; and,

- b. completely within a garage or carport; or,
- c. completely within an area wholly enclosed from the view of surrounding properties and rights-of-way by a solid structural barrier, (either a wall or fence of ornamental block, brick, wood, or combination thereof), of six (6) feet in height.

2. Storing of Inoperable Motor Vehicles in Dwelling Districts:

No motor vehicle, machine, motor, or similar device from which any part material to the operation of the vehicle has been removed, or which is inoperable for any reason, shall be stored, maintained or kept on any property in a Dwelling District unless such device is:

- a. owned or leased by the resident of the property on which it is stored or by a member of that person's family; and further is,
- b. completely within an accessory structure.

3. Storing of Commercial Motor Vehicles in Dwelling Districts:

No commercial motor vehicle or trailer shall be parked, stored, maintained or kept on any property in a Dwelling District, (except those vehicles three-quarter (3/4) ton or less and which serve as the sole vehicular transportation of a resident of the property upon which it is parked, stored, maintained or kept) unless it is within a garage or carport which complies with all the standards and regulations of this ordinance. Commercial motor vehicles that are in the course of making normal and reasonable service calls are exempt from this provision.

SECTION 2.20. HOME OCCUPATIONS

A. PERMITTED HOME OCCUPATIONS

Certain professions and domestic occupations, crafts and services defined below as "permitted home occupations" shall be permitted in all Dwelling Districts (except the D-11 District) and in any other zoning district in Marion County permitted dwelling uses, provided that each such home occupation complies with all requirements set forth in section 2.20, B hereof.

Professions and domestic occupations, crafts or services which, as typically carried out, can be conducted in a dwelling without impairment of the use thereof as a place of residence and with no detrimental effect upon adjacent residential properties, as permitted home occupations. Examples of professional services which constitute permitted home occupations include law, medicine, dentistry, architecture, engineering, real estate brokerage, tutoring, writing, painting, music instruction, photography and such services as are provided by clergyman, insurance agents, notaries public and manufacturer's agents. Examples of domestic occupations, crafts and services which constitute permitted home occupations include dressmaking, millinery, sewing, tailoring, weaving, hair grooming, washing, ironing and cabinet making.

B. HOME OCCUPATION REQUIREMENTS

Permitted home occupations shall comply with each of the following requirements:

1. The primary use of the dwelling unit shall remain residential.
2. The home occupation shall be clearly incidental and subordinate to the primary residential use of the dwelling. No more than six hundred (600) square feet or thirty percent (30%) of the total square footage of the dwelling unit, whichever is lesser, shall be used in the conduct of the home occupation(s). The six hundred (600) square feet or thirty percent (30%) area which may be used in the conduct of the home occupation(s) shall include all areas in the dwelling unit which are in any way devoted to the operation or conduct of the home occupation.
3. All aspects of the home occupation activity that occur on the premises shall be conducted within the dwelling structure in which the operator makes his actual residence. For purposes of this section, only those areas completely enclosed by walls and under the same roof system as the living quarters shall be considered a part of the "dwelling structure".

4. The operator of the home occupation(s) shall make the dwelling unit within which the home occupation is conducted his legal and primary place of residence. This means that the operator, in addition to making the dwelling unit his place of legal residence, shall also carry out more of the activities such as sleeping, eating, entertaining and other functions and activities normally associated with home life in the dwelling unit where the home occupation(s) is being conducted than are carried out at any other place.
5. No one may participate in or assist with the conduct or operation of home occupation except:
 - a. Individuals who meet the same residence requirements, set forth in paragraph 4 above, as must be met by the operator of the home occupation.
 - b. A nonresident assistant, subject to the following requirements and limitations:
 - (1) Participation by the nonresident assistant shall be in a subordinate capacity only, incidental to the conduct of the home occupation -- as, for example, the services of a nurse, receptionist or clerical assistant in the home occupation of a physician
 - (2) The nonresident assistant shall not participate, totally or partially, in the capacity of an additional operator of the home occupation, as an additional practitioner of the professional, craft or occupational service of the operator, or as a partner or professional associate thereof.
 - (3) Participation by the nonresident assistant shall be limited to forty-five (45) hours per week.
 - (4) No more than one (1) nonresident assistant shall be permitted. If more than one home occupation is conducted in the same dwelling unit, a nonresident assistant shall be permitted for only one of the home occupations.
6. No structural alterations shall be effected to the interior of the dwelling which would render it undesirable for residential use.
7. No structural additions, enlargements or exterior alterations changing the residential appearance of the dwelling or lot shall be permitted.
8. No additional or separate exterior entrance shall be constructed for the purpose of conducting the home occupation.

9. The dwelling unit shall not be a mobile dwelling unit.
10. The home occupation(s) shall not regularly attract more than four (4) individuals simultaneously onto the premises for reasons related to the home occupation(s) and shall not generate significantly greater traffic volume than would normally be expected in the particular residential area in which the home occupation(s) is conducted.
11. No provision for off-street parking or loading facilities, other than requirements of the applicable Dwelling District, shall be permitted. No part of the minimum required yard shall be used for such off-street parking or loading purposes. No additional driveway, to serve such home occupation, shall be permitted.
12. No display of goods or external evidence of the home occupation shall be permitted other than an identification sign as permitted by the Sign Regulations of Marion County, Indiana, Ordinance 71-A0-4, Section 14.04-4(2).
13. No goods, commodities or stock in trade shall be received, retained, used, stored on or physically transferred from the premises except for:
 - a. A reasonable number of samples needed in the home occupation, or
 - b. Those goods, commodities or stock in trade, a substantial portion of the value of which is or will be attributable to work or services performed by the operator of the home occupation on the premises as a part of the operation of the home occupation.

Nothing in this paragraph shall be deemed to preclude receipt, retention, use or storage of:

- a. Equipment or devices, such as medical instruments in the case of a physician, necessary to the conduct of the home occupation;
- b. Materials, such as paint and canvas in the case of an artist, needed to produce a finished product or perform a service in the operation of the home occupation on the premises;
- c. Items of tangible property, such as legal documents in the case of an attorney, transferred in connection with the performance of personal services by the operator of the home occupation; or

- d. Items of tangible property, such as clothing in the case of a tailor, to be repaired, altered, or serviced by the operator of the home occupation on the premises.
- 14. No electrical or mechanical equipment shall interfere with local radio and television reception.
- 15. Hours of operation of the home occupation shall not interfere with use and enjoyment of adjacent residential properties.
- 16. Permitted home occupations shall comply with all standards set forth in section 2.00, B.
- 17. No permitted home occupation shall interfere with the reasonable use and enjoyment of adjacent residential properties.

SECTION 2.21 SPECIAL REGULATIONS

A. MINIMUM SETBACK LINES AND YARDS

Front yards, having a minimum depth in accordance with the following setback requirements, shall be provided along all public street right-of-way lines, and the minimum required building setback lines shall be as follows:

1. Expressway, Parkway or Primary Thoroughfare (as designated on the Official Thoroughfare Plan of Marion County, Indiana).

No part of any structure (except an open porch or eave or cornice overhang not exceeding two (2) feet) shall be built closer than forty (40) feet to any proposed right-of-way line of an expressway, parkway or primary thoroughfare. In the case where a proposed right-of-way line does not exist, the existing right-of-way line shall be used for the setback measurement.

2. Secondary Thoroughfare (as designated on the Official Thoroughfare Plan of Marion County, Indiana).

No part of any structure (except an open porch or eave or cornice overhang not exceeding two (2) feet) shall be built closer than thirty (30) feet to any proposed right-of-way line of a secondary thoroughfare. In the case where a proposed right-of-way line does not exist, the existing right-of-way line shall be used for the setback measurement.

3. Collector Street

No part of any structure (except an open porch or eave or cornice overhang not exceeding two (2) feet) shall be built closer than thirty (30) feet to any existing right-of-way line, or sixty (60) feet from the centerline, of a collector street, whichever is greater.

4. Local Street, Marginal Access Street or Cul-de-Sac

- a. No part of any structure (except an open porch or eave or cornice overhang not exceeding two (2) feet) shall be built closer than twenty-five (25) feet to any existing right-of-way line of a local street, marginal access street or cul-de-sac, with the exception of the vehicular turnaround thereof. No part of any structure (except an open porch or eave or cornice overhang not exceeding two (2) feet) shall be built closer than twenty (20) feet to any existing right-of-way line of the vehicular turnaround of a cul-de-sac.

- b. Exception for legally established setbacks. In any block in which an existing front yard depth and setback is established (by existing legally established structures within the same Dwelling District) for more than twenty-five percent (25%) of the frontage of the block on the same side of the street (or a distance of two hundred (200) feet in each direction, whichever is the lesser), the required minimum front yard depth and setback for any building or structure may be reduced to the average of the established setbacks if such average is less than the normal minimum required front setback. The average established setbacks shall be the average of all established yards on the same side of the street within either the block or the two hundred (200) feet in either direction. Provided, however, in no case shall such minimum required front setback be less than ten (10) feet from the right-of-way line.
- c. Exception for expansion along a legally established setback. The minimum required front setback in any Dwelling District for any existing building, having a legally established front setback which is less than the required setback of the District, shall be modified to permit expansion of such building along its existing established front setback, provided the linear front footage of expansion does not exceed fifty percent (50%) of the linear front footage of the original building.

B. ATTACHED MULTIFAMILY DWELLING PROJECTS, SINGLE FAMILY CLUSTER DWELLING PROJECTS AND MOBILE DWELLING PROJECTS - SITE PLAN REQUIREMENT TO IMPROVEMENT LOCATION PERMIT ISSUANCE

Prior to Improvement Location Permit issuance for any building or structure within an attached multifamily dwelling project, single family cluster dwelling project, or mobile dwelling project, three copies of the site and landscape plans for the entire project shall be filed with the Department of Metropolitan Development. Also, for an attached multifamily dwelling project, the site and landscape plans shall include a delineation of the proposed Major Livability Space.

C. PUBLIC STREET REQUIREMENTS

- 1. All streets shall be dedicated to the public and improved and constructed in accordance with the standards set forth in the Subdivision Control Ordinance of Marion County, Indiana, General Ordinance No. 49 and the Indianapolis Department of Transportation Standards for Street and Bridge Design and Construction.
- 2. The right-of-way of all streets within the project, which are indicated on the Official Thoroughfare Plan for Marion County, Indiana, or which have been required by zoning, variance, or plat-

ting commitment, condition, covenant or parole covenant, to be constructed to specific standards based upon their proposed functional classification shall be dedicated to the public, or the right-of-way thereof shall be reserved for the future.

3. All landscape plantings, structural barriers, shrubs, trees, or other objects shall permit completely unobstructed vision within a clear sight triangular area between the heights of two and one half (2 1/2) and nine (9) feet above the crown of the streets, drives, or driveways. A clear sight triangular area shall be established as one of the following:
 - a. On a corner lot, the clear sight triangular area is formed by the street right-of-way lines, the pavement edge of the drives or driveways and the line connecting points twenty-five (25) feet from the intersection of such street right-of-way lines and pavement edge lines; or in the case of a round or cut property corner, from the intersection of the street right-of-way lines and pavement edge lines extended, or
 - b. On a lot adjacent to an at-grade railroad crossing, the clear sight triangular area is formed by the lot line coterminous with the railroad right-of-way, the street right-of-way line or pavement edge line, and the line connecting points twenty-five (25) feet from the intersection of such lines.

D. REQUIREMENTS FOR ALL PRIVATE STREETS, INTERIOR ACCESS DRIVEWAYS, AND INTERIOR ACCESS DRIVES FOR ATTACHED MULTIFAMILY DWELLING PROJECTS AND MOBILE DWELLING PROJECTS AND PLANNED UNIT RESIDENTIAL DEVELOPMENTS.

1. All private streets, interior access driveways and interior access drives for attached multifamily projects and mobile dwelling projects and planned unit residential developments shall meet the minimum standards for construction, materials for use in construction, and design as specified by the "Standard Specifications", Indiana Department of Highways (8-17-1-39), the Indiana Department of Highway Supplemental Specifications, and the Indianapolis Department of Transportation (DOT) Standards for Street and Bridge Design and Construction. In the event DOT specifications conflict with the Indiana Department of Highways "Standard Specifications", the most stringent specifications shall govern.

The "Standard Specifications" of the Indiana Department of Highways is incorporated into this ordinance by reference. Two copies of the "Standard Specifications" are on file and available for public inspection in the office of the Division of Development Services.

Provided, however, that the standard specifications incorporated into this ordinance shall be modified as follows:

- a. Curbing shall not be required in the development of private streets, private access driveways and private interior access drives for attached multifamily projects.
- b. Private interior streets, private interior access drives and private interior access driveways for attached multifamily projects, mobile dwelling projects and planned unit residential developments, shall have a minimum width, including gutters, and, if required, curbing, of:
 - One-way, no parking - twelve (12) feet.
 - One-way, parking on one side of the street only - twenty (20) feet.
 - Two-way, no parking - twenty (20) feet.
 - Two-way, parking on one side only - twenty-seven (27) feet.
 - Two-way, parking on both sides of the street - thirty-six (36) feet.
2. Private streets, private interior access drives and private interior access driveways shall be privately maintained (not by governmental agencies) in good condition and free of chuckholes, standing water, weeds, dirt, trash and debris.
3. All landscape plantings, structural barriers, shrubs, trees, or other objects shall permit completely unobstructed vision within a clear sight triangular area between the heights of two and one half (2 1/2) and nine (9) feet above the crown of the streets, drives, or driveways. A clear sight triangular area shall be established as one of the following:
 - a. On a corner lot, the clear sight triangular area is formed by the street right-of-way lines, the pavement edge of the drives or driveways and the line connecting points twenty-five (25) feet from the intersection of such street right-of-way lines and pavement edge lines; or in the case of a round or cut property corner, from the intersection of the street right-of-way lines and pavement edge lines extended, or
 - b. On a lot adjacent to an at-grade railroad crossing, the clear sight triangular area is formed by the lot line coterminous with the railroad right-of-way, the street right-of-way line or pavement edge line, and the line connecting points twenty-five (25) feet from the intersection of such lines.
4. The owner or project management, homeowners' association or other similar organization shall maintain all sidewalks, pedestrian ways, private streets, interior access drives, interior access driveways

and parking areas in good repair and reasonably free of chuckholes, standing water, mud, ice and snow.

E. OFF-STREET PARKING REQUIREMENTS

Off-street parking facilities shall be provided and maintained, for all uses permitted in the Dwelling Districts, in accordance with the following regulations:

1. Number of Spaces Required

- a. For every single-family dwelling or two-family dwelling in the D-A, D-S, D-1, D-2, D-3, D-4, D-5, D-5II, D-8, and D-12 Dwelling Districts, there shall be provided at least two (2) off-street parking spaces for each unit which may include the parking space(s) provided in a garage or carport.
- b. For every attached multifamily dwelling in the D-6, D-6II, D-7, D-8, D-9 and D-10 Dwelling Districts, off-street parking spaces shall be provided in accordance with the Development Amenities of each district.
- c. For every mobile dwelling in the D-11 Dwelling District, a minimum of two (2) paved off-street parking spaces shall be provided.

2. Development Requirements

- a. Parking areas for uses in 1, a. above need not be paved.
- b. Parking areas for uses in 1, b. above shall be subject to the following requirements:
 - (1) Off-street parking areas (including, but not limited to, entrances, exits, aisles, spaces, traffic circulation and maneuverability) shall be designed and constructed at not less than the recommended specifications contained in Architectural Graphic Standards, Current Edition, Ramsey and Sleeper, John Wiley and Sons, Inc., New York, New York (a copy of which is on file in the offices of the Division of Development Services and is hereby incorporated by reference and made a part hereof); except that each parking space shall have, regardless of angle of parking, a usable parking space measuring not less than eight and one-half (8 1/2) feet in width (measured perpendicularly from the sides of the parking space) and at least one hundred fifty (150) square feet of usable parking area.

- (2) The parking area shall not be used for permanent storage or the display, advertisement, sale, repair, dismantling or wrecking of any vehicle, equipment or materials.
- (3) Parking areas shall be paved with bricks, concrete or improved with a compacted aggregate base and surfaced with an asphaltic pavement, to adequately provide a durable and dust-free surface. Parking areas shall be maintained in good condition and free of chuckholes, weeds, dirt, trash and debris.
- (4) The surface shall be graded and drained in such a manner that there will be no free flow of water onto sidewalks.
- (5) The parking area shall have each space delineated by painted lines and shall be provided with curbs, bumper guards or wheel stops so located that no part of the parked vehicles will extend beyond the boundary of the established parking area.

F. SCREENING, LANDSCAPING, LIGHTING AND GROUNDS MAINTENANCE

Screening, landscaping, lighting and grounds maintenance shall be provided and maintained, for all attached multifamily dwelling projects and all mobile dwelling projects, in accordance with the required landscape plans and with the following regulations:

1. Screening:

- a. Front yard of the project: An ornamental, decorative fence or masonry wall, not more than forty-two (42) inches in height if solid, or six (6) feet if the sight barrier is less than fifty (50.0%) percent, may be used in conjunction with the required landscaping. Chain link fencing is not permitted. A clear site triangular area shall also be maintained as regulated in Section 2.19, B, 2, c of this ordinance.
- b. Side and rear yard of the project: An ornamental, decorative fence or masonry wall may be used in conjunction with the required landscaping. Chain link fencing is permitted provided it is black vinyl covered chain link and does not include slats. A clear sight triangular area shall also be maintained as regulated in Section 2.19, B, 2, c of this ordinance.

Provided, however, if any portion of a mobile dwelling project or a multifamily project abuts land zoned so as to permit single family or two-family dwellings, the perimeter yard between the project and the district shall be screened and landscaped for the purpose of buffering. In addition to the

landscape requirements of Section 2.21, F, 2, screening shall be provided and maintained according to the following minimum requirements:

- (1) screening shall include any combination of an earthen mound; a solid hedge; a wall or fence of ornamental block, stone, brick, or solid wood fencing; and,
- (2) effective screening height shall be at least six (6) feet, as measured from the parking area's grade level, and so constructed to prohibit any view therethrough; and,
- (3) if fencing is used for screening, such fencing shall be completely opaque when viewed within fifteen (15) degrees of perpendicular to the fence; and,
- (4) if an earthen mound is used for screening, such earthen mound shall not exceed a maximum height of four (4) feet above grade and the incline shall not exceed a 3:1 ratio, with the exception of previously existing natural outcroppings.

c. Trash containers: All trash containers exceeding six (6) cubic feet shall:

- (1) be completely screened within a solid walled or fenced stall equipped with a self-latching solid gate and buffered by landscaping; and,
- (2) be accessible only from an interior access drive of the project; and,
- (3) not be located in any required perimeter yard.

2. Landscaping:

- a. All required perimeter yards shall be landscaped. The landscaping of these yards shall, at a minimum, consist of a combination of living vegetation, such as, trees, shrubs, grasses or ground cover materials, planted or transplanted and maintained, or preserved as existing natural vegetation areas (e.g. woods or thickets). Loose stone, rock or gravel may be used as a landscaping accent, but shall be limited to only twenty percent (20%) of the area of the required yard in which it is used.
- b. Within the perimeter yards, there shall be at least one tree planted or maintained for every twenty (20) feet of total linear distance along all perimeter yard property lines.

Required trees may be grouped together in the perimeter yard, however, in no case shall spacing between said trees exceed sixty (60) feet on center. (Refer to Diagram E).

- c. All parking areas adjacent to required perimeter yards shall be screened along the perimeter yard with a solid hedge. Screening may include the combination of said solid hedge and earthen mound, provided the effective screening height shall be at least thirty-six (36) inches above the parking area's grade level at the time of planting and the maximum incline of the earthen mound shall not exceed a 3:1 ratio with the exception of previously existing, naturally occurring outcroppings.
- d. Within mobile dwelling projects, at a minimum, one tree shall be planted or maintained on every mobile dwelling site. Said required tree shall not be located within any required yard or common recreational area(s).
- e. Required trees shall be deciduous or evergreen with a spreading branch habit. A group of shrubs may be substituted for a required tree, provided however:
 - (1) that the proposed tree to be substituted is not an existing tree, and
 - (2) that no more than twenty percent (20.00%) of the required trees are substituted with shrubs, and
 - (3) that the shrubs are planted or maintained five (5) feet or less on center, and
 - (4) the shrubs substituted are in addition to any underplanting requirements, and
 - (5) that a grouping of five (5) shrubs may be substituted for one tree.
- f. The minimum size of all required landscape plant materials, at the time of planting, including substituting or replacement trees and shrubs, shall be as follows:
 - (1) Deciduous shade (overstory) trees - two and one-half (2 1/2) inch caliper at six (6) inches above the ground.
 - (2) Deciduous ornamental (understory) trees - one and one-half (1 1/2) inch caliper at six (6) inches above the ground.
 - (3) Multi-stemmed trees - eight (8) feet in height.
 - (4) Evergreen trees - five (5) feet in height.
 - (5) Deciduous shrubs - twenty-four (24) inch spread or two (2) feet in height.

- (6) Evergreen shrubs - twenty-four (24) inch spread or two (2) feet in height.
- g. Deciduous and evergreen shrubs when used for required hedges shall be planted an average of thirty-six (36) inches or less on center within the hedge row.
- h. All trees and shrubs shall be planted, maintained or transplanted in accordance with the standards of the American Association of Nurserymen (a copy of which is on file in the office of the Division of Development Services and is hereby incorporated by reference and made a part hereof). All trees and shrubs shall be mulched and maintained to give a clean and weed-free appearance.
- i. Prior to any construction activity, the removal from any minimum, required yard of any existing deciduous tree over three (3) inch caliper at six (6) inches above ground or of any existing shrub or evergreen tree over six (6) feet in height, must first be approved in writing by the Administrator. Removal of said tree(s) without written approval from the Administrator, shall require the replanting of replacement tree(s) so that the total number of caliper inches replanted equals or exceeds the total number of calipers removed. Replacement trees shall be of the same species as those trees removed unless approved otherwise by the Administrator. Replanting of these replacement trees shall occur within six months of removal or the next planting season, whichever occurs first. Replacement trees shall not be considered a required tree for the figuring of the minimum number of trees required in any perimeter yard but rather as an additional tree.
- j. All existing trees larger than ten (10) inch caliper at six (6) inches above the ground which are to be preserved shall be maintained without injury and with sufficient area for the root system to sustain the tree. Protective care and physical restraint barriers, such as temporary protective fencing, shall be provided to prevent alteration, compaction or increased depth of the soil in the root system area prior to and during groundwork and construction. Heavy equipment traffic and storage of construction equipment or materials of any kind shall not be any closer to the tree than the dripline of the tree or ten (10) feet whichever is closer.
- k. Prior to the issuance of an Improvement Location Permit, the Administrator may require a tree survey for a specified time to be completed for a site or portion of a site. Such survey

shall become a part of the file and requirements for an Improvement Location Permit. In the case of large, dense tree stands (those exceeding 600 square feet in area with 75% branch coverage of the ground surface), the outer boundary of the tree stands' dripline and location with a listing of the predominant species and caliper size may be substituted for a detailed inventory.

1. The Administrator, upon written request by the applicant and upon receiving a suitable alternative landscape plan, shall have the power to modify any landscape requirements deemed by the Administrator to be infeasible or unreasonably burdensome. Such modification shall be written and become a part of the file and requirements for the Improvement Location Permit.

3. Landscape Plan:

A Landscape Plan shall:

- a. be drawn on a copy of the SITE PLAN (or a simplified scale drawing thereof) showing exact location, outlines and dimensions of all structures, buildings, mobile dwelling sites, mobile dwelling paved-stands, patios, sidewalks and pedestrian ways, streets, trash enclosures, project access and interior access drives and driveways, individual and project storage, permanent lighting fixtures, signs, benches, screens, walls, fences, natural vegetation areas, open space, recreational areas, perimeter yards, adjacent property uses and physical features, and all underground and overhead lines with depths or heights indicated at intervals where lines change direction or where terminals or connections are provided; and,
- b. show dimensioned detailed elevation or section drawings of any trash enclosures, walls, fences, and signs (including sign content); and,
- c. show all existing elevations and proposed land contour lines having at two (2) foot intervals; and,
- d. show location and nature of existing and proposed drainage systems and their flow; and,
- e. include a tree survey indicating the exact location of existing trees of over two and one-half (2 1/2) inch caliper one (1) foot above the ground and all flowering trees, shrubs and evergreens; all being accurately labeled in the drawing as existing (to remain), existing to be removed or to be transplanted with species and caliper size indicated. Exception:

those trees and shrubs located in natural vegetation areas (e.g. woods, thickets or meadows) that will not be developed, but will be left and maintained as a natural untouched area may be indicated by the delineation of the area's outer boundary; and,

- f. show all proposed plantings and transplantings with plants and plant groups labeled in the drawing as to quality, species, shape, size, spacing (on centers), and purpose (visual or noise abatement screen, hedge, specimen or ground cover).

4. Lighting:

- a. All access drives, interior streets, interior access drives, intersections, dead ends, cul-de-sacs, apices of curves, parking areas, open storage areas, walks and passive and active recreation areas shall be provided with lighting devices to adequately illuminate the areas.
- b. Street or pedestrian lighting devices may be mounted at heights beginning at (or slightly below) ground level to forty-two (42) inches above ground or from ten (10) to thirty (30) feet above ground. Spacing of all lighting devices shall be determined by the height above street grade level and maximum foot-candles of each device in conjunction with their capacity to provide an adequate lighting level for the required area and use.
- c. Lighting levels for all outdoor areas shall meet the recommended minimum average maintained horizontal foot-candle as specified in the Illuminating Engineering Society Lighting Handbook, Application Volume, current edition (a copy of which is on file in the office of the Division of Development Services and is hereby incorporated by reference and made a part hereof).
- d. All lighting facilities used to illuminate outdoor areas shall be so located, shielded and directed upon the area to be lighted that they do not glare onto, or interfere with, street traffic, adjacent buildings, or adjacent uses.
- e. Lighting devices for active recreational areas and uses shall be equipped with switching devices which allow lighting levels to be changed when the active recreational use ceases and a lower lighting level is sufficient.

5. Grounds Maintenance:

The project owner or management, homeowners' association or other similar organization shall:

- a. Maintain the entire site in a safe, neat and clean condition; free from litter, trash, debris, junk, and reasonably free of weeds; and,
- b. Maintain all sidewalks, pedestrian ways, interior streets, interior access drives, and parking areas in good repair and reasonably free of chuckholes, standing water, mud, ice and snow; and,
- c. Maintain the landscaping by keeping lawns mowed, all plants properly pruned and maintained as disease-free, and planting beds groomed, except in naturally occurring vegetation areas, such as thickets; and,
- d. Replace any required planting(s), which are removed or no longer living, within a year or the first planting season, whichever occurs first, except those in naturally occurring vegetation areas, such as thickets.

G. APPEAL

In all subsections of this Section 2.21 Special Regulations where the Administrator is given authority of discretionary approval of plans and specifications, or the method or manner of qualification, or any other similar authority, any party of interest shall have the right to bring such action by the Administrator before the Metropolitan Development Commission for its review and approval or disapproval through the filing of an Approval Petition for a detailed plan approval. The right to have such action of the Administrator reviewed by the Metropolitan Development Commission shall be in addition to any other right an aggrieved party may have under law to have such action reviewed, including, but not limited to, the right to appeal such action to the Metropolitan Board of Zoning Appeals of Marion County, Indiana.

H. APPLICATION OF THIS SECTION

This section shall be applicable to all Dwelling Districts except when specified otherwise in the Dwelling District Zoning Ordinance or in the D-P Planned Unit Residential Development District where subsections A. and E. shall not be applicable.

SECTION 2.22. MANUFACTURED HOMES

A. PERMITTED MANUFACTURED HOMES

Manufactured Homes, as defined in Section 2.25, shall be permitted in all Dwelling Districts (except D-6, D-6II, D-7, D-9, and D-10) and in any other zoning district in Marion County permitting single family dwelling uses, subject to the following schedule:

1. Manufactured Homes shall be subject to the grant of a SPECIAL EXCEPTION in D-A, D-S, D-1, D-2, D-3, D-4, D-5, D-8, D-12 and any other zoning district in Marion County permitting single family dwelling uses, as governed in 2.22, A, 2.
2. Manufactured Homes shall be permitted without a SPECIAL EXCEPTION in the D-3, D-4, D-5, D-5II and D-12 DISTRICTS if located in a subdivision given final plat approval on or after July 1, 1982.

B. MANUFACTURED HOME REQUIREMENTS

Manufactured Homes shall comply with the following requirements:

1. All Manufactured Homes, except those located in the D-11 District, shall be set onto a permanent foundation and comply with the set up, utility connection and underfloor space requirements set forth in Chapter 8, Article III, Division IV of the Code of Indianapolis and Marion County, which is incorporated herein by reference.
2. A SPECIAL EXCEPTION shall be granted following application filed with the Board of Zoning Appeals having jurisdiction of the petition by the landowner petitioner, notice to owners of adjoining parcels of land and public hearing by said Board - all in accordance with the Rules of Procedure of the Board of Zoning Appeals ONLY UPON THE BOARD'S DETERMINATION THAT:
 - a. The grant will not be injurious to the public health, safety, morals, convenience or general welfare.
 - b. The grant will not injure or adversely affect the adjacent area or property values therein.
 - c. The Manufactured Home will be in harmony with the character of the surrounding neighborhood, utilize siding and roofing materials which are aesthetically compatible with the surrounding neighborhood, and constitute a land use authorized in the zoning district.
3. The grant of a SPECIAL EXCEPTION shall be conditioned upon the following requirements:

- a. The Manufactured Home shall conform to all development standards of the applicable zoning district.
- b. The Manufactured Home shall conform to all other applicable requirements of this ordinance and all restrictions and conditions attached to the grant of SPECIAL EXCEPTION by said Board - in case of conflict, the more restrictive standards or requirements are to control. The Board may impose reasonable restrictions or conditions in connection with the grant of any SPECIAL EXCEPTION, but only to the extent necessary to ensure compliance with the conditions and standards set forth in above paragraph 1 and clauses (a), (b), and (c) of above paragraph 2.

SECTION 2.23. RESERVED.

SECTION 2.24. RELIGIOUS USES.

A. PERMITTED RELIGIOUS USES

A religious use, as defined in Section 2.25, shall be permitted in all Dwelling Districts subject to the grant of a SPECIAL EXCEPTION by the Board of Zoning Appeals having jurisdiction of the petition; and the Board of Zoning Appeals is hereby authorized to grant such SPECIAL EXCEPTIONS and permit such religious uses in the Dwelling Districts.

B. RELIGIOUS USE REQUIREMENTS

Religious uses shall comply with the following requirements:

1. A SPECIAL EXCEPTION shall be granted by the Board of Zoning Appeals following application filed with the Board by the landowner petitioner (which application shall include a site and development plan as provided for in paragraph B hereof and may include a request for modification of development standards as provided for in paragraph C hereof), notice to owners of adjoining parcels of land and public hearing by said Board - all in accordance with the Rules of Procedure of the Board of Zoning Appeals UPON THE BOARD OF ZONING APPEALS DETERMINATION THAT:
 - a. The proposed use of the property is a religious use, as defined in Section 2.25.
 - b. Any adverse impact on the public health, safety, morals or general welfare caused by the grant does not outweigh the restriction on the petitioner's right to religious worship and peaceful assembly.
 - c. The grant will not materially and substantially interfere with the lawful use and enjoyment of adjoining property.
2. The landowner petitioner shall file with the application a site and development plan, drawn to scale, which shall include, where applicable:
 - a. Proposed use, buildings and structures, including the seating capacities thereof;
 - b. Existing uses, buildings and structures, including the seating capacities thereof;

- c. A parking plan, including proposed off-street and on-street parking, demonstrating the number of parking spaces available for the proposed use;
 - d. Vehicular entrances, exists and turnoff lanes;
 - e. Building setbacks;
 - f. Landscaping, screens, walls and fences, including provisions for the preservation of trees;
 - g. Exterior lighting;
 - h. Signs, including location, size and design thereof;
 - i. Sewage disposal facilities;
 - j. Storm drainage facilities;
 - k. Pedestrian ways;
 - l. Other utilities, if above ground facilities are needed; and,
 - m. Such other information as the Administrator shall reasonably requests.
3. If applicable, the landowner petitioner shall also file with the application a request for modification of development standards indicating any development standard of the applicable Dwelling District to be modified in connection with the grant of a SPECIAL EXCEPTION.
4. The grant of such SPECIAL EXCEPTION shall be conditioned upon the following requirements:
- a. The religious use shall conform to all development standards of the applicable Dwelling District, except as specifically modified by the grant of SPECIAL EXCEPTION.
 - b. The religious use shall conform to all conditions attached to the grant of SPECIAL EXCEPTION by said Board.

The Board, in connection with the granting of any SPECIAL EXCEPTION, may modify any development standard of the applicable Dwelling District, if requested by the landowner petitioner, but the Board need not modify any development standard if it finds that the benefit to the public health, safety or general welfare derived from such development standard outweighs any restriction on the right of freedom of worship and peaceful assembly caused by such development standard.

The Board may impose reasonable restrictions or conditions in connection with the grant of any SPECIAL EXCEPTION, including restrictions and conditions which are more restrictive than the applicable development standards, if the Board finds that such restrictions or conditions benefit the public health, safety or general welfare, and such benefit outweighs any restriction on the right of freedom of worship and peaceful assembly caused by the imposition of such restrictions or conditions.

SECTION 2.25. CONSTRUCTION OF LANGUAGE AND DEFINITIONS.

A. CONSTRUCTION OF LANGUAGE

The language of this ordinance shall be interpreted in accordance with the following regulations:

1. The particular shall control the general.
2. In the case of any difference of meaning or implication between the text of this ordinance and any illustration or diagram, the text shall control.
3. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
4. Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
5. A "building" or "structure" includes any part thereof.
6. The phrase "used for" includes "arranged for", "designed for", "intended for", "maintained for", or "occupied for".
7. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and", "or", or "either...or", the conjunction shall be interpreted as follows:
 - a. "And" indicates that all the connected items, conditions, provisions, or events shall apply.
 - b. "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
 - c. "Either...or" indicates that all the connected items, conditions, provisions, or events shall apply singly but not in combination.

B. DEFINITIONS

The words in the text or illustrations of this ordinance shall be interpreted in accordance with the definitions set forth below. The illustrations and diagrams in this section provide graphic representation of the concept of a definition; the illustration or diagram is not to be construed or interpreted as a definition itself.

1. ABUT To physically touch or border upon; or to share a common property line.
2. ACCESS The way by which vehicles shall have ingress to and egress from a land parcel or property and the street fronting along said property or parcel.
3. ACCESS DRIVE That area within the right-of-way between the pavement edge or curb and the right-of-way line providing ingress and egress to and from a land parcel or property. (See Diagram A)
4. ACCESSORY A subordinate structure, building or use that is customarily associated with, and is appropriately and clearly incidental and subordinate in use, size, bulk, area and height to the primary structure, building, and use, and is located on the same lot as the primary building, structure, or use.
5. ADMINISTRATOR Administrator of the Division of Development Services or his/her appointed representative.
6. AGRICULTURAL ENTERPRISE The land use of farming, cultivation of crops, dairying, pasturage, horticulture, floriculture, viticulture, animal and poultry husbandry, with the necessary, accompanying accessory use(s), building(s), or structure(s) for housing, packing, treating, or storing said products.
7. ALLEY Any public right-of-way which has been dedicated or deeded to and accepted by the public for public use as a secondary means of public access to a lot(s) otherwise abutting upon a public street and not intended for traffic other than public services and circulation to and from said lot(s).
8. ALTERATION Any change in type of occupancy, or any change, addition or modification in construction of the structural members of an existing structure, such as walls, or partitions, columns, beams or girders, as well as any change in doors or windows or any enlargement to or diminution of a structure, whether it be horizontally or vertically.
9. ATTACHED MULTI-FAMILY DWELLING See Dwelling, Multi-family Attached.

10. **AWNING** A roof-like cover, often of fabric, metal or glass designed and intended to either protect from the weather or as a decorative embellishment, and which is supported and projects from a wall or roof of a structure over a window, walk, door, or a similar feature.
11. **BALCONY, EXTERIOR** An unenclosed platform structure supported by and projecting from the exterior side of a building gaining sole access from said building, and designed and intended for either decorative purposes or lounging, dining, and similar activities.
12. **BASEMENT** That portion of a building with an interior vertical height clearance of not less than seventy-eight (78) inches and having one-half or more of its interior vertical height clearance below grade level.
13. **BATH-HOUSE** An accessory building of one or more rooms not open to the public, designed and intended for exclusive use by occupant(s) of the primary use and their guest(s) as dressing room(s) and may or may not include sanitary facilities.
14. **BED AND BREAK-FAST** The commercial leasing of bedroom(s) for guest(s) within a private, owner-occupied, one or two family dwelling unit. Such leasing provides temporary accommodations, typically including a morning meal, to overnight guests for a fee. Such leasing may also provide for the temporary accommodation of daytime meetings or receptions for guests for a fee. Such leasing caters largely to tourists and the travelling public.
15. **BOARDING HOUSE** A community facility, other than hotels, motels, containing accommodation facilities in common where lodging, typically with meals reserved solely for the occupants thereof, is provided for a fee.
16. **BUILDABLE AREA** The area of a lot remaining after the minimum yard and open space requirements of the applicable zoning ordinance(s) have been met. (See Diagram B).
17. **BUILDING** Any structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, or property of any kind, having an enclosed space and a permanent roof supported by columns or walls.
18. **BUILDING AREA** The total ground area, within the lot or project, covered by the primary structure, plus garages, carports and other

accessory structures which are greater than eighteen (18) inches above grade level, excluding fences and walls not attached in any way to a roof (See Diagram B).

- 19. CABANA Same as Bathhouse.
- 20. CANOPY A roof-like cover, often of fabric, metal, or glass on a support, which is supported in total or in part, from the ground providing shelter over a doorway or outside walk.
- 21. CARPORT A roofed structure designed and intended to shelter the automotive vehicle(s) of the premises' occupant(s) or owner(s), with at least one (1) side permanently open to the weather.
- 22. CLUSTER A development design technique that concentrates buildings in specific areas on the site to allow the remaining land to be used for recreation, common open space and preservation of environmentally sensitive features in perpetuity.
- 23. CLUSTER
SUBDIVI- A form of development for single-family resi-
SION dential subdivisions that permits a reduction in the minimum lot: area, width, setback and open space requirements and to concentrate development in specific areas of the subdivision while also maintaining the same overall density permitted under a conventional subdivision in a given zoning district, and, the remaining land area is devoted to open space, or recreational areas in perpetuity.
- 24. COLLEC- See Street, Collector.
TOR STREET
- 25. COMMIS- The Metropolitan Development Commission of Marion County,
SION Indiana
- 26. COMMIT- An officially recorded agreement concerning and running
MENT with the land as recorded in the office of the Marion County Recorder.

- 27. COMPRE- The applicable Comprehensive or Master Plan
 HENSIVE for Marion County, Indiana, or a segment thereof, adopted
 PLAN by the Metropolitan Development Commission of Marion
 County, Indiana, pursuant to Chapter 283 of the Acts of
 the Indiana General Assembly for 1955, and all acts
 amendatory thereto.

- 28. CONDI- An official agreement between the municipality and the
 TION petitioner concerning the use or development of the land
 as specified in the letter of grant of a variance, special
 exception or approval petition as signed by the
 Administrator.

- 29. CONDO- A building, group of buildings, or portion thereof,
 MINIUM in which units are owned individually, and the structure,
 common areas, or facilities are owned by all the owners on
 a proportional, undivided basis.

- 30. CORNER See Lot, Corner.
 LOT

- 31. COVENANT A private legal restriction on the use of land contained
 in the deed, plat and other legal documents pertaining to
 the property.

- 32. COVENANT, A verbal, binding agreement, made at a public PAROL
 PAROL hearing, restricting the use of the land.

- 33. COVERED See Open Space, Covered.
 OPEN
 SPACE

- 34. CROWN OF The highest point of pavement between the
 THE existing curb lines of a street cross- section, most
 STREET often at the center line.

- 35. CUL-DE- See Street, Cul-De-Sac.
 SAC

- 36. CURB CUT The opening along the curb line, exclusive of handicap
 ramps, at which point vehicles may enter or leave the
 street. (See Diagram A).

- 37. CURB A line located on either edge of the pavement, but within
 LINE the right-of-way line. (See Diagram A).

- 38. DECK A ground-supported, unenclosed, accessory platform
 structure, usually constructed of wood, of which any
 permanent horizontal area(s) of the platform is raised

eighteen (18) inches or more above grade level designed and intended for the recreational enjoyment of the occupants and guests of the primary structure or use.

39. DOUBLE, DWELLING Same as Dwelling, Two-family.
40. DRIP LINE The perimeter of a tree's spread measured to the outermost tips of the branches and extending downward to the ground.
41. DRIVEWAY Access for vehicular movement to egress/ ingress between the right-of-way of private or public streets and the required building setback line. (See Diagram A).
42. DUPLEX Same as Dwelling, Two-Family.
43. DWELLING, MANUFACTURED HOME A unit which is fabricated in one or more modules at a location other than the home site, by assembly-line type production techniques or by other construction methods unique to an off-site manufacturing process. Every module shall bear a label certifying that it is built in compliance with the Federal Manufactured Home Construction and Safety Standards. The unit must have been built after January 1, 1981, have at least 950 square feet of main floor area (exclusive of garages, carports, and open porches), and exceed twenty-three (23) feet in width.
44. DWELLING, MOBILE A movable or portable unit fabricated in one or more modules at a location other than the home site, by assembly-line type production techniques or by other construction methods unique to an off-site manufacturing process. The unit is designed for occupancy by one family, and erected or located as specified by Chapter 8, Article III, Division IV of the Code of Indianapolis and Marion County, and which was either:
- a) constructed prior to June 15, 1976 and bears a seal attached under Indiana Public Law 135, 1971, certifying that it was built in compliance with the standards established by the Indiana Administrative Building Council; or,
 - b) constructed subsequent to or on June 15, 1976 and bears a seal certifying that it was built in compliance with the Federal Mobile Home Construction and Safety Standards law.

45. DWELLING, A unit which is fabricated in one or more
MODULAR modules at a location other than the home site, by
HOME assembly-line type production techniques or by other
construction methods unique to an off-site manufacturing
process, designed for occupancy by one family unit. Every
module shall bear the seal certified that it was built in
compliance with Indiana Public Law 360. The unit must
have been built in compliance with the CABO One and
Two-Family Dwelling Code.
46. DWELLING, See Dwelling, Attached Multifamily.
MULTI-
FAMILY
47. DWELLING, A building for residential purposes with
ATTACHED three or more dwelling units, having common
MULTI- or party walls, on a single lot. Each unit is totally
FAMILY separated from the other by an unpierced wall extending
from ground to roof or an unpierced ceiling and floor
extending from exterior wall to exterior wall, except for
a common or individual stairwell(s) exterior to any
dwelling unit(s).
48. DWELLING, A site-built building for one dwelling unit.
SINGLE-
FAMILY
49. DWELLING, A building designed exclusively for residential
TWO- occupancy by two families living independently of each
FAMILY other, which contains two, legally complete, dwelling
units. Each unit in a two-family dwelling is completely
separated from the other by either; a) an unpierced wall
extending from ground to roof; or, b) an unpierced ceiling
and floor extending from exterior wall to exterior wall,
except for a common stairwell exterior to both dwelling
units.
50. DWELLING One or more rooms connected together in a residential
UNIT building or residential portion of a building, which are
arranged, designed, used and intended for use by one or
more human beings living together as a family and
maintaining a common household for owner occupancy or
rental or lease on a weekly, monthly, or longer basis; and
which includes lawful cooking, eating, sleeping space and
sanitary facilities reserved solely for the occupants
thereof.

51. ERECT Activity of constructing, building, raising, assembling, placing, affixing, attaching, creating, or any other way of bringing into being or establishing.
52. EXCAVATION The breaking of ground, except common household gardening, ground care and agricultural activity.
53. FAMILY One or more human beings related by blood, marriage, adoption, foster care or guardianship together with incidental domestic servants and temporary, non-compensating guests; or, not more than four (4) human beings not so related, occupying a dwelling unit and living as a single housekeeping unit.
54. FINISHED FLOOR AREA That portion of floor area constructed, completed and usable for living purposes with normal living facilities which includes sleeping, dining, cooking, sanitary, or combination thereof. A floor area or portion thereof used only for storage purposes and not equipped with the facilities previously identified shall not be considered finished floor area.
55. FLOOR AREA For one- and two-family dwelling units, the sum of all horizontal surface areas of all floors of all roofed portions of a building enclosed by and within the surrounding exterior walls or roofs, or the center line(s) of party walls separating such buildings or portions thereof. The floor area of a building shall exclude all areas with a vertical height clearance less than seventy-eight (78) inches, exterior open balconies, and open porches.

For attached or detached multifamily dwelling(s), the sum of all horizontal surface areas of all floors of all roofed portions of all buildings enclosed by and within the surrounding exterior walls or roofs, or the center line(s) of party walls separating such buildings or portions thereof.

However, this does not include the following:

- a. all areas with a vertical height clearance less than seventy-eight (78) inches;
- b. all exterior open balconies, and open porches;
- c. floor or basement floor area devoted to off-street parking or loading facilities, including aisles, ramps, and maneuvering space;

- d. floor or basement floor area provided for recreational uses, available to occupants of two or more living units within a project; or
 - e. basement floor area provided for storage facilities, allocated to serve individual living units within a project.
56. FLOOR AREA RATIO (FAR) The aggregate Floor Area of all stories of all buildings within the project divided by the Land Area.
57. FRONT LOT LINE See Lot Line, Front.
58. FRONT YARD See Yard, Front.
59. FRONTAGE The line of contact of a property with the street right-of-way along a lot line which allows unobstructed, direct access to the property.
60. FRONTAGE, PUBLIC STREET The line of contact of abutting property with the public street along the front lot line which allows unobstructed direct access to the property.
61. FULL CONTROL OF ACCESS The condition where the right of the owner(s) or occupant(s) of abutting property(ies), or of other persons, to access said property(ies), including the location and connection with public streets, is controlled by public authority. Full control of access gives preference to through vehicular traffic movement, by providing access connections with selected public streets only, and by prohibiting both crossings at grade and direct driveway connections.
62. GAME COURT A type of recreation facility which consists of an unpaved or paved, accessory, surface area of ground open and essentially unobstructed to the sky, on the same lot as the primary structure, designed and intended for the playing of a recognized sport as an accessory, recreational activity by the occupants and guests of the primary structure, which may include fencing, screening, nets, goals, or other necessary appurtenances required for the recreational use.

63. GARAGE, RESIDENTIAL A building accessory to a residential use, or an enclosed area attached or integrated into a residential building, which is primarily designed and intended to be used for the storage of the private vehicle(s) for the occupant(s) of said residence and is not a separate commercial enterprise available to the general public.
64. GAZEBO A roofed, ground-supported, unenclosed, accessory platform structure, usually constructed of wood, stone, brick, or metal designed and intended for the recreational enjoyment of the occupants and guests of the primary structure or use.
65. GRADE, ESTABLISHED STREET The crown elevation of a street pavement level abutting the property as fixed by the appropriate government agency(ies).
66. GRADE LEVEL The lowest point of elevation of the finished (Adjacent ground surface of the ground, paving or sidewalk and elevation) similar surface improvements within the area between the exterior walls of a primary building or structure and the property line, or when the property line is more than ten (10) feet from said walls, between said walls and a line ten (10) feet away from and paralleling said walls.
67. GROSS ACRE A horizontal measure of land area equal to 43,560 square feet.
68. GROUND COVER Low-growing plants less than eighteen (18) inches in height with a spreading growth habit, such as grasses, vines, flowers, or a similar feature.
69. GROUND FLOOR That story which contains finished floor area closest to but not below grade level. In cases in which the only story with finished floor area is below grade level, that story with finished floor area closest to grade level shall be considered the ground floor.
70. GROUP HOME A residential facility licensed by the Community Residential Facilities Council, or its successor in authority in accordance with law, and defined per Indiana Code 16-13-21.
71. HANDICAP RAMP Same as Pedestrian Ramp.

72. HARD-SURFACED Quality of an outer area being solidly constructed of pavement, brick, paving stone, tile, wood, or a combination thereof.
73. HEDGE A row or rows of closely planted shrubs, bushes, or combination thereof creating a vegetative barrier.
74. HEIGHT, BUILDING The vertical distance above a reference line measured to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the height of the highest gable of a pitched or hipped roof. The reference line shall be selected by either of the following, whichever yields a greater building height:
- a) the elevation of the highest adjoining sidewalk or ground surface within a ten (10) foot horizontal distance from and paralleling the exterior wall of the building or structure when said sidewalk or ground surface is not more than ten (10) feet above lowest grade; or
 - b) An elevation ten (10) feet higher than the lowest grade when said sidewalk or ground surface is more than ten (10) feet above the lowest grade.
75. HELIPORT An area of land, water or structural surface which is used, or intended for use, for the lawful landing and takeoff of helicopters, and any appurtenant areas which are used, or intended for use for heliport buildings and auxiliary facilities, such as, parking areas, waiting rooms, fueling, storage and maintenance equipment areas.
76. HELISTOP An area of land, water or structural surface which is used, or intended for use, for the landing and takeoff of helicopters, without the provision of fueling, repair, maintenance or storage facilities.
77. HOME OCCUPATION An occupation or business activity carried on within:
- a) a legally established dwelling unit, or;
 - b) an associated accessory structure (in those cases where the business activity is a legally established nonconforming occupation which occupies such associated accessory structure), by a resident of said dwelling, where the occupation or business activity is clearly incidental and subordinate to the

residential use and does not alter the character thereof.

78. HOSPITAL An institution housed in a building, group of buildings or portion thereof, providing primary health services and psychological, medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity and other physical or mental conditions, and including as an integral part of the institution, related facilities such as laboratories, outpatient or training facilities.
79. HOTEL Any building or group of buildings, containing guest rooms without direct access to the outside, designed or intended to be occupied for sleeping purposes by guests for a fee with general kitchen and dining room facilities provided within the building or an accessory building, and which caters to the travelling public.
80. INTERIOR ACCESS DRIVE A minor, private or public street providing access within the boundaries of a project beginning at the required setback line. (See Diagram A).
81. INTERIOR ACCESS DRIVEWAY Access for vehicular movement to egress/ingress between interior access drives connecting two (2) or more projects or land parcels. (See Diagram A).
82. LAND AREA The total horizontal area within the project boundaries, plus the area of half of any abutting alley or street rights-of-way.
83. LAND-SCAPING Any combination of sculpture, fountains, pools, and walkways with substantial living vegetation, such as trees, shrubs, ground cover, thickets with grasses planted, preserved, transplanted, maintained and groomed to develop, articulate and enhance the aesthetic quality of the area as well as provide erosion, drainage and wind control.
84. LEGALLY ESTABLISHED NONCONFORMING BUILDING OR STRUCTURE Any continuous, lawfully established building or structure erected or constructed prior to the time of adoption, revision or amendment, or granted variance of the zoning ordinance, but which fails, by reason of such adoption, revision, amendment or variance, to conform to the present requirements of the zoning district.

85. LEGALLY ESTABLISHED NONCONFORMING USE Any continuous, lawful land use having commenced prior to the time of adoption, revision or amendment of a zoning ordinance, but which fails, by reason of such adoption, revision, amendment, or variance to conform to the present requirements of the zoning district.
86. LIVABILITY SPACE The Open Space minus the Vehicle Area within the Open Space.
87. LIVABILITY SPACE RATIO (LSR) The Livability Space divided by the Floor Area.
88. LOCAL STREET See Street, Local.
89. LOT A piece, parcel, plot or tract of land designated by its owner or developer to be used, developed or built upon as a unit under single ownership or control and occupied or intended for occupancy by a use permitted in the zoning ordinances for Marion County, Indiana, including one (1) or more main buildings, accessory uses thereto and the required yards as provided for the zoning ordinances of Marion County, Indiana and may consist of:
- a. A single lot of record; or
 - b. A portion of a lot of record; or
 - c. A combination of complete lots of record, or complete lots of record and portions of lots of record, or of portions of lots of record.
- A lot may or may not coincide with a lot of record. For purpose of this definition, the ownership of a lot is further defined to include:
- a. The person(s) who holds either fee simple title to the property or is a life tenant as disclosed in the records of the township assessor;
 - b. A contract vendee;
 - c. A long-term lessee (but only if the lease is recorded among the records of the County Recorder and has at least twenty-five (25) years remaining before its

expiration at the time of applying for a permit) (See Diagram C).

90. LOT AREA The area of a horizontal plane bounded on all sides by the front, rear, and side lot lines that is available for use or development and does not include any area lying within the right-of-way of any public or private street or easement for surface access ingress or egress into the subject lot or adjoining lots.
91. LOT, CORNER A lot abutting upon two or more streets at their intersections, or upon two parts of the same street forming an interior angle of less than 135 degrees. (See Diagram C).
92. LOT, THROUGH A lot which fronts upon two parallel streets, or which fronts upon two streets which do not intersect at the boundaries of the lot. (See Diagram C).
93. LOT LINE The legal boundary of a lot as recorded in the office of the Marion County Recorder.
94. LOT LINE, FRONT The lot line(s) separating the lot from street rights-of-way; in the case of a corner lot, both lot lines separating the lot from the street rights-of-way shall be considered front lot lines; or, in the case of a through lot, the lot line which most closely parallels the primary entrance of the primary structure shall be considered the front lot line. (See Diagram B).
95. LOT LINE, FRONT A lot line which is opposite and most distant from the front lot line, or in the case of a triangularly shaped lot, a line ten (10) feet in length within the lot, parallel to and at the maximum distance from the front lot line.
96. LOT LINE, SIDE Any lot line not designated as a front or rear lot line.
97. LOT OF RECORD A lot which is part of a subdivision or a lot or a parcel described by metes and bounds, the description of which has been so recorded in the office of the Recorder of Marion County, Indiana. A Lot of Record is not necessarily a piece, parcel, plot or tract designated or used for single ownership.
98. MAIN FLOOR AREA The area of a horizontal plane fully bound by the exterior walls of the primary building or structure of the floor surface at or above grade level exclusive of

vent shafts, decks, garages, uncovered or covered open space.

99. MAJOR LIVABILITY SPACE The total area in a project provided for outdoor recreation, relaxation, amusement, pleasure and for similar use within the project, which area may or may not be improved; however, all livability space countable for purposes of computing the Major Livability Space Ratio shall be at least twenty (20) feet away from any ground floor residential wall containing one or more windows and shall have a minimum linear dimension averaging eighty (80) feet, except that an area of lesser dimension is countable if:
- a. the total required Major Livability Space is less than 6,400 square feet, or
 - b. the shape or topography of the site alone prevents compliance with the minimum dimensions.
100. MAJOR LIVABILITY SPACE RATIO (MLSR) The total Major Livability Space of countable size divided by the aggregate Floor Area.

101. MANUFAC- See Dwelling, Manufactured Home.
TURED
HOME
102. MARGINAL See Street, Marginal Access.
ACCESS
STREET
103. MINI- A freestanding, completely enclosed, accessory building
BARN constructed of stone, brick, metal or wood designed with a
rural character and intended for the storage of personal
property solely of the occupants of the primary use on the
lot. (See also Shed).
104. MINOR Those maintenance repairs necessitating
EMERGENCY immediate solution yet not posing an immediate
REPAIRS life-safety hazard, nor altering the existing character of
the structure (See Alteration).
105. MOBILE See Dwelling, Mobile.
DWELLING
106. MOBILE See Project, Mobile Dwelling.
DWELLING
PROJECT
107. MODULAR See Dwelling, Modular Home.
HOME
108. MOTEL Any building or group of buildings, containing guest
rooms, with at least twenty-five percent (25%) of all
rooms having direct access to the outside without the
necessity of passing through the main lobby of the
building(s), designed or intended to be occupied for
sleeping purposes by guests for a fee and where general
kitchen and dining room facilities may be provided within
the building or an accessory building, and which caters to
the travelling public.
109. MULCH A protective covering of vegetative substances placed
around plants to prevent evaporation of moisture,
freezing, and to control weeds.
110. MULTI- See Dwelling, Multifamily.
FAMILY
DWELLING

111. OFF-STREET A location completely on private land, and completely off of public rights-of-way, alleys and any interior surface access easement for ingress and egress.
112. OPEN PORCH An unenclosed structure, open to the sky, supported from the ground and attached to or a part of a building at the area of entrance or exit to said building facilitating access to said building from the ground.
113. OPEN SPACE The total horizontal area of all Uncovered Open space plus one-half of the total horizontal area of all Covered Open Space.
114. OPEN SPACE, COVERED All exterior space within the project, which is open and exposed to the weather, but not open above to the sky. It includes porches, carports, covered exterior balconies and exterior spaces covered by portions of buildings.
115. OPEN SPACE, UNCOVERED In D-6, D-6II, D-7, D-8, D-9, D-10 and D-11 Districts: The Land Area, minus the Building Area, plus the Usable Roof Area. In D-A, D-S, D-1, D-2, D-3, D-4, D-5, D-5II and D-12 Districts; and D-8 Single- and Two-Family Dwellings: The Lot Area, minus the Building Area.
116. OPEN SPACE RATIO The Open Space divided by the Floor Area.
117. PARKING AREA An area of paving other than an open exhibition or display area, not inclusive of interior access drives, driveways, interior access driveways and access drives intended for the temporary storage of automotive vehicles including parking spaces and the area of access for the egress/ingress of automotive vehicles to and from the actual parking space. (See Diagram A).
118. PARKING SPACE An off-street portion of the Parking Area, which shall be used only for the temporary placement of an operable vehicle. (See Diagram A).
119. PART-TIME A period of at least 25% less than a regular or customarily full schedule of a specific activity, such as employment.

120. PARTIAL CONTROL ACCESS The condition where the right of the owner(s) or occupant(s) of abutting property(ies), or of OF other persons, to access said property(ies), including the location and connection with public streets, is controlled by public authority. Partial control of access gives preference to through vehicular traffic movement to a degree that, in addition to access connections with selected public streets, there may be crossings at grade and some driveway connections.
121. PATIO A hardsurfaced area accessory to the primary structure or use of which the horizontal area is at grade level with at least one (1) side open to the weather and essentially unobstructed to the sky. This area is specifically designed and intended for the recreational enjoyment of the occupants and guests of the primary structure or use and not designed or intended for use by automotive vehicles. (See also Deck.)
122. PATIO, COVERED A hardsurfaced area accessory to the primary structure or use of which the horizontal area is at grade level with at least one (1) side open to the weather and permanently roofed or similarly covered. This area is specifically designed and intended for the recreational enjoyment of the occupants and guests of the primary structure or use and not designed or intended for use by automotive vehicles.
123. PAVED-STAND A permanent area specifically designed and intended for the location, securing, and use of a mobile dwelling on a non-temporary basis encompassing completely the area immediately below or covered by such dwelling including necessary plumbing, power, and other utility installations. The mobile dwelling's foundation, consisting of runners, ribbons or piers, usually made of concrete for the purpose of blocking the dwelling, are within this area.
124. PAVEMENT A layer of concrete, asphalt or coated macadam used on street, sidewalk, or airport surfacing.
125. PAVING See Pavement.
126. PEDES-
TRIAN
RAMP An inclined access opening along the curblin at which point pedestrians, unassisted or assisted by a wheelchair, walker or similar feature, may enter or leave the street; or, an incline providing pedestrians, unassisted or assisted by a wheelchair, walker or similar feature, access from the ground to an elevated surface.

127. PERIMETER See Yard, Perimeter.
YARD
128. PERMITTED Any use allowed in a zoning district and subject to the
USE restrictions applicable to that zoning district.
129. PLAT An officially recorded map, as recorded in the office of the Marion County Recorder, or a map intended to be recorded indicating the subdivision of land including, but not limited to, boundaries and locations of individual properties, streets, and easements.
130. PORCH A roofed structure with at least one side exposed to the weather, supported from the ground and attached to or part of a building at the area of entrance or exit to said building.
131. PORTE-COCHERE A roofed, sheltering structure supported from the ground and attached to or a part of a building, which projects over an entrance/exit, walkway, driveway, or similar feature.
132. PRIMARY BUILDING The building in which the permitted primary use of the lot is conducted.
133. PRINCIPAL HOMESTEAD The dwelling unit in which the primary users of the agricultural enterprise reside.
134. PROJECT A lot or parcel of contiguous land to be developed for a use or uses permitted in the D-6, D-6II, D-7, D-8, D-9, D-10, D-11 Dwelling Districts, which at the time of development is under one ownership or control, and subsequently may be subdivided, developed, or conveyed into smaller lots or parcels.
135. PROJECT BOUNDARIES The perimeter lot lines encompassing the entire project as indicated in the office of the Marion County Recorder.
136. PROJECT, MOBILE DWELLING An area of contiguous land separated only by a street(s) upon which three (3) or more mobile dwellings are designated spaces or lots for the purpose of being occupied as primary residences and includes all real and personal property used in the operation of said mobile dwelling project OR, an area of contiguous land separated only by a street, that is subdivided and contains individual lots which are or intended to be sold, leased or similarly contracted for the purpose of being occupied

as a primary residence, is a mobile dwelling project if three (3) or more lots or sites are designated specifically to accommodate mobile dwellings.

137. PUBLIC STREET FRONTAGE See Frontage, Public Street.
138. REAR YARD See Yard, Rear.
139. RECREATION FACILITY A place, area or structure designed and equipped for the conduct of sport, leisure time activities and other customary and usual recreational activities.
140. RECREATION FACILITY, COMMERCIAL A recreation facility operated as a for profit business and open to the public for a fee.
141. RECREATION FACILITY, PERSONAL A recreation facility provided as an accessory use on the same lot as the principal permitted use and designed to be used primarily by the occupants of the principal use and their guests without a fee.
142. RECREATION FACILITY, PRIVATE A recreation facility operated by a nonprofit organization, and open only to bona fide members and guests of such nonprofit organization.
143. RECREATION FACILITY, PUBLIC A recreation facility operated by a governmental agency and open to the general public.
144. RECREATIONAL VEHICLE A self-propelled or towed vehicle designed and intended specifically for temporary living, travel, and leisure activities, including but not limited to boats, motor homes, travel trailers, and camping trailers.
145. RELIGIOUS USE A land use and all buildings and structures associated therewith devoted primarily to the purpose of divine worship together with reasonably related accessory uses, which are subordinate to and commonly associated with the primary use, which may include but are not limited to, educational, instructional, social or residential uses.

146. RESIDENTIAL IN CHARACTER Possessing the architectural features, traits and qualities indicating or constituting those distinguishing attributes of a residence, such as height, bulk, materials, detailing and similar features.
147. RIGHT-OF-WAY Specific and particularly described land, property, or interest therein devoted to and subject to the lawful use, typically as a thoroughfare of passage of pedestrians, vehicles, or utilities, as officially recorded by the office of the Marion County Recorder.
148. RIGHT-OF-WAY, PUBLIC Specific and particularly described strip of and, property, or interest therein dedicated to and accepted by the municipality to be devoted to and subject to use by the general public for general transportation purposes or conveyance of utilities whether or not in actual fact improved or actually used for such purposes, as officially recorded by the office of the Marion County Recorder.
149. RIGHT-OF-WAY, PRIVATE Specific and particularly described strip of privately-held land devoted to and subject to use for general transportation purposes or conveyance of utilities whether or not in actual fact improved or actually used for such purposes, as officially recorded by the office of the Marion County Recorder.
150. SATELLITE DISH ANTENNA A device incorporating a reflective surface that is solid, open mesh, or bar configured and is in the shape of a shallow dish, cone or horn. Such device shall be used to transmit or receive radio or electromagnetic waves between terrestrially or orbitally based devices.
151. SETBACK The minimum horizontal distance established by ordinance between a proposed right-of-way line or a lot line and the setback line. (See Diagram B).
152. SETBACK LINE A line that establishes the minimum distance a building, structure, or portion thereof, can be located from a lot line or proposed right-of-way line. (See Diagram B).
153. SHED A freestanding, completely enclosed, accessory building, designed and intended for the storage of personal property solely of the occupants of the primary use on the lot. (See also Mini-Barn.)
154. SHRUB A woody plant of relatively low height branching from the base not exceeding ten to twelve (10-12) feet in height.

155. SIDE YARD See Yard, Side.
156. SIDEWALK A hardsurfaced walk or raised path along and paralleling the side of the street for pedestrians.
157. SINGLE-FAMILY DWELLING See Dwelling, Single-family.
158. SKIRTING The rigid physical attachments to a mobile dwelling designed and intended to completely screen, shelter, and protect the unit's base and entire area between the unit's floor surface and the ground surface, which includes, but not limited to, all electrical and plumbing conduits, insulation material, and undercarriage.
159. SITE PLAN The development plan, drawn to scale, for one or more lots on which is shown the existing and proposed location and conditions of the lot as required by ordinance, in order that an informed decision can be made by the approving authority.
160. STORAGE AREA An area designated, designed and intended for the purpose of reserving personal property for a future use and distinguished from areas used for the display of property intended to be sold or leased.
161. STORAGE ROOM An enclosed area integrated into and sharing common or party wall or walls within a primary building, while designed and intended for the purpose of reserving personal property for a future use.
162. STORY That part of a building, with an open height of no less than seventy-eight inches (78"), except a mezzanine, included between the upper surface of one floor and the lower surface of the next floor, or if there is no floor above, then the ceiling next above. A basement shall constitute a story only if it provides finished floor area.
163. STREET, COLLECTOR A street primarily designed and intended to carry vehicular traffic movement at moderate speeds (e.g. 35 mph) between local streets, collectors, and arterials with direct access to abutting property(ies). (See Diagram D).
164. STREET, CUL-DE-SAC A street having only one open end and being permanently terminated by a vehicle turn around. (See Diagram D).

165. STREET, EXPRESS-WAY A street so designated by the Official Thoroughfare Plan for Marion County, as amended, primarily designed and intended to carry and channelize high volumes of vehicular traffic movement at relatively high speeds (e.g. 45 mph) with partial control of access. The function of an expressway is primarily to move traffic rather than to serve abutting property(ies). Access control on an expressway is characterized by medians, marginal access streets and selective intersection location.
166. STREET, FREEWAY A street so designated by the Official Thoroughfare Plan for Marion County, as amended, primarily designed and intended to carry and channelize high volumes of vehicular traffic movement at high speeds (e.g. 55 mph) with full control of access. The primary function of a freeway is the movement of traffic, particularly long trips made within or through the county.
167. STREET, LOCAL A street primarily designed and intended to carry low volumes of vehicular traffic movement at low speeds (e.g. 20 to 30 mph) within the immediate geographic area with direct access to abutting property(ies). (See Diagram D).
168. STREET, MARGINAL ACCESS A local street with control of access auxiliary to and located on the side of an arterial, thoroughfare, expressway, or freeway for service to abutting property(ies). (See Diagram D).
169. STREET, PARKWAY Any street serving through vehicular traffic and equal to or more than 5,280 feet in length, with partial control of access thereto, the adjoining land on one or both sides of which is predominantly dedicated or used for park purposes, and shall conform to the Comprehensive Plan and Thoroughfare Plan. Partial control of access to a parkway permits access connections only at street intersections.
170. STREET, PRIMARY ARTERIAL A street so designated by the Official Thoroughfare Plan for Marion County, as amended, primarily designed and intended to expedite and channelize high volumes of vehicular traffic movement at moderate speeds (e.g. 35 to 45 mph) between arterials, expressways, and freeways with partial control of access. The function of a primary arterial is primarily to move traffic rather than to serve abutting property(ies).

171. STREET, PRIVATE A privately-held right-of-way, with the exception of alleys, essentially open to the sky and open to the general public for the purposes of vehicular and pedestrian travel affording access to abutting property, whether referred to as a street, road, expressway, arterial, thoroughfare, highway, or any other term commonly applied to a right-of-way for said purposes. A private street may be comprised of pavement, shoulders, curbs, sidewalks, parking space, and similar features.
172. STREET, PUBLIC A publicly dedicated, accepted and maintained right-of-way, with the exception of alleys, essentially open to the sky and open to the general public for the purposes of vehicular and pedestrian travel affording access to abutting property, whether referred to as a street, road, expressway, arterial, thoroughfare, highway, or any other term commonly applied to a public right-of-way for said purposes. A public street may be comprised of pavement, shoulders, gutters, curbs, sidewalks, parking space, and similar features.
173. STREET, SECOND-ARY ARTERIAL A street so designated by the Official Thoroughfare Plan for Marion County, as amended, primarily designed and intended to expedite medium to high volumes of vehicular traffic movement at moderate speeds (e.g. 35 to 45 mph) between collectors, arterials, expressways, freeways, and abutting property(ies) with partial control of access. Secondary arterials carry a higher percentage of short trips than do primary arterials.
174. STRUCTURE A combination or manipulation of materials to form a construction, erection, alteration or affixation for use, occupancy, or ornamentation, whether located or installed on, above, or below the surface of land or water.
175. SUBDIVISION The division of any parcel of land shown as a unit, as part of a unit or as contiguous units, on the last preceding transfer of ownership thereof, into 2 or more parcels or lots, for the purpose, whether immediate or future, of transfer of ownership or building development, provided however, that the division of land into parcels of more than 3 acres, not involving any new streets or easements of access, and the transfer or exchange of parcels between adjoining landowners, if such transfer or exchange does not create additional building lots, shall not constitute a subdivision for purposes of this ordinance.

176. TEMPORARY USE An impermanent land use established for a limited and fixed period of time with the intent to discontinue such use upon the expiration of the time period.
177. TERRACE An open, raised bank or banks of earth having vertical or sloping side(s) and a horizontal top.
178. THOROUGH-FARE A street primarily serving thorough vehicular traffic, including freeways, expressways, primary thoroughfares, and secondary thoroughfares as designated by the Thoroughfare Plan, adopted as 71-AO-4, as amended.
179. THOROUGH-FARE PLAN The applicable segment of the Comprehensive or Master Plan for Marion County, Indiana, adopted by the Metropolitan Development Commission of Marion County, Indiana, pursuant to Chapter 283 of the Acts of the Indiana General Assembly for 1955, and all acts amendatory thereto, which sets forth the location, alignment, dimensions, identification and classification of freeways, expressways, parkways, primary thoroughfares, secondary thoroughfares, or other public ways as a plan for the development, redevelopment, improvement, and extension and revision thereof.
180. THROUGH LOT See Lot, Through.
181. TOTAL CAR RATIO (ICR) The total number of parking spaces divided by the number of dwelling units.

182. TOTAL FLOOR AREA The aggregate floor area of all stories of the primary buildings or structures.
183. TRASH ENCLOSURE An accessory structure enclosed on all sides, possessing a solid, securable door or gate for access designed and intended to completely screen and protect waste receptacles from view on all sides, and to prevent waste debris from dispersal outside the receptacles or enclosure.
184. TREE SURVEY An inventory of all trees on a lot or project prior to any site development preparation, identifying species, location, caliper, and drip-line of trees.
185. TWO-FAMILY DWELLING See Dwelling, Two-family.
186. UNCOVERED OPEN SPACE In D-6, D-6II, D-7, D-8, D-9, D-10, D-11 and D-12 Districts:

The Land Area, minus the Building Area, plus the Usable Roof Area.

In D-A, D-S, D-1, D-2, D-3, D-4, D-5, D-5II, D-8, and D-12 Districts:

The Lot Area, minus the Building Area.
187. UNDER-GROUND STOREROOM An accessory structure which is at least seventy-five (75) percent subterranean, utilized for storage of personal property or a temporary shelter for people, such as a fallout shelter.
188. UNIT A single, complete entity.
189. USABLE ROOF AREA The total roof area, within the project or residential buildings, garages and accessory buildings which has been improved for outdoor uses of occupants. Roof areas used for the storage of automotive vehicles are included.
190. VEHICLE AREA Uncovered or covered area used for vehicular traffic, maneuvering and parking. Included are all parking areas, driveways, interior access drives and rights-of-way of all streets and alleys within the project, plus the area of half of any abutting alley or street rights-of-way.

191. WALKWAY A hardsurfaced walk or raised path for pedestrians.
192. YARD,
 FRONT An open space unobstructed to the sky, extending fully across the lot while situated between the front lot line and a line parallel thereto, which passes through the nearest point of any building or structure and terminates at the intersection of any side lot line. (See Diagram B).
193. YARD,
 INTERIOR An open space unobstructed to the sky, extending fully across the mobile dwelling site while situated between the edge of pavement of the street or interior access drive and a line paralleling thereto, which passes through the nearest point of any building or structure and terminates at the intersection of the individual mobile dwelling site's boundary lines.
194. YARD,
 PERIMETER A required yard of a project, in addition to front, rear and side yards, situated between and extending along the project boundary and an interior line paralleling thereto. The width of said yard shall be determined by the applicable zoning district zoning classification of the ordinance. (See Diagram E).
195. YARD,
 REAR An open space unobstructed to the sky extending fully across the lot situated between the rear lot line and a parallel thereto which passes through the nearest point of any building or structure and terminates at the intersection of any side lot line. (See Diagram B).
196. YARD,
 SIDE An open space unobstructed to the sky extending the length of the lot situated between a side lot line and a line parallel thereto which passes through the nearest point of any building or structure and terminates at the point of contact with any rear or front yards or any lot line, whichever occurs first. (See Diagram B).

CHAPTER III
SEVERABILITY

SECTION 3.00. SEVERABILITY, EMERGENCY CLAUSE, ATTESTATION.

If any section, subsection, paragraph, subparagraph, clause, phrase, word, provision or portion of this ordinance shall be held to be unconstitutional or invalid by any court of competent jurisdiction, such holding or decision shall not affect or impair the validity of this ordinance as a whole or any part thereof, other than the section, subsection, paragraph, subparagraph, clause, phrase, word, provision or portion so held to be unconstitutional or invalid.

SECTION 3. The Marion County Master Plan Permanent Zoning Ordinance, as adopted on November 12, 1948 and subsequently amended, is hereby repealed.

SECTION 4. If any provision or clause of this ordinance or the application thereof to any person or circumstance is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such decision shall not affect other ordinance provisions or clauses or applications thereof which can be implemented without the unconstitutional or invalid provision, clause or application, and to this the provisions and the clauses of this ordinance are declared to be severable.

SECTION 5. The various sections of this ordinance shall take effect as follows:

(a) SECTION 1 of this ordinance shall be effective upon adoption of this ordinance in accordance with I.C. 36-7-607.

(b) SECTION 2 of this ordinance shall be effective upon adoption of this ordinance in accordance with I.C. 36-7-607, except for that portion of the text of the Dwelling Districts Zoning Ordinance contained in SECTION 2 of this ordinance designated as SECTION 2.01 D-A DWELLING AGRICULTURAL DISTRICT REGULATIONS, which shall take effect as provided in subsection (c) hereof.

(c) That portion of the text of the Dwelling District Zoning Ordinance contained in SECTION 2 of this ordinance and designated as SECTION 2.01 D-A DWELLING AGRICULTURAL DISTRICT REGULATIONS, shall take effect only upon the adoption of an ordinance pursuant to I.C. 36-7-4-602(c) and 36-7-4-608 which changes the zone maps for Marion County by rezoning all parcels of land within the county currently zoned to the A, A-1, A-2, and F classifications to the D-A classification.

(d) SECTION 3 of this ordinance shall take effect only upon the adoption of an ordinance pursuant to I.C. 36-7-602(c) and 36-7-4-608 which changes the zone maps for Marion County by rezoning all parcels of land within the county currently zoned to the A, A-1, A-2 and F classifications to the D-A classification.

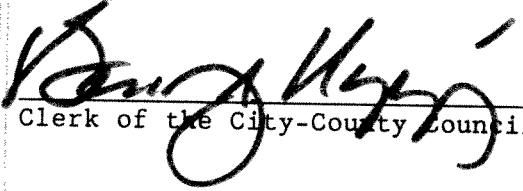
(e) Subsections (c) and (d) hereof shall be construed so that the provisions of this ordinance affected thereby shall take effect simultaneously with the effectiveness of the ordinance changing the zone maps referred to therein.

(f) SECTION 4 of this ordinance shall be effective upon adoption of this ordinance in accordance with I.C. 36-7-607, provided that its provisions shall also be effective with respect to the provisions contained in Section 2 and 3 which are effective pursuant to Section 5 hereof upon the effective dates of those provisions of those sections.

SECTION 6. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

The foregoing was passed by the City-County Council this 20th day of November, 1989, at 8:50 p.m.

ATTEST:


Clerk of the City-County Council

President

STATE OF INDIANA, MARION COUNTY)
) SS:
CITY OF INDIANAPOLIS)

I, BEVERLY S. RIPPY, Clerk of the City-County Council, Indianapolis, Marion County, Indiana, do hereby certify the above and foregoing is a full, true, and complete copy of Proposal No. 515, 1989, a Proposal for a GENERAL ORDINANCE, passed by the City-County Council on the 20th day of November, 1989, by a vote of 27 YEAS and 0 NAYS, and was retitled General Ordinance No. 100, 1989, and now remains on file and on record in my office.

WITNESS my hand and the official seal of the City of Indianapolis,
Indiana, this 14 day of February, 1990

Clerk of the City-County Council

(SEAL)